

# The University of Kansas Alcohol & Drug Policies

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## **Alcohol and Drug Policies**

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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 and policy. Any alcoholic liquor service must conform to the policies of the Kansas Board of Regents and the University of Kansas and must be approved in advanced by the Chancellor.

The University of Kansas Alcohol Service at Events policy is available online at <http://policy.ku.edu/chancellor/university-alcohol-service-at-events> or from the Office of the Provost and Executive Vice Chancellor, 250 Strong Hall.

## **Prevention of Illegal Drug and Alcohol Use on Campus and in the Workplace, and Conditions of Employment Policy**

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The University of Kansas prohibits the unlawful possession, use, manufacture, purchase, or distribution of alcohol or drugs, or any attempt thereof, 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 or irresponsible 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, or whose behavior evidences being under the influence of alcohol or controlled substances on University property or at University events in violation of laws or University policies shall be subject to criminal or disciplinary action in accordance with laws of the State of Kansas and the policies of 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 will be subject to sanctions, which may include completion of an approved drug or alcohol rehabilitation program, disciplinary warning, probation, suspension or 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 conviction for a violation occurring in the workplace no later than five days after such conviction. The University will, in turn, notify as appropriate, any 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, a drug abuse assistance or rehabilitation program before being allowed to return to work. For purposes of the Alcohol and Drug 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 University's Substance Abuse Policy and Procedures is available online at <http://policy.ku.edu/provost/substance-abuse>.

## **Mandatory Alcohol Education Policy**

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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 alcohol behaviors, the University requires newly enrolled, degree-seeking students under the age of 21 as of August 1<sup>st</sup> of the academic year to complete the **AlcoholEdu** program.

Edwards Campus students are excluded from this requirement. For the purpose of this policy, Edwards Campus students are defined as students who do not have the Lawrence Campus required fee on their account in the academic term the **AlcoholEdu** program is completed.

The complete Mandatory Alcohol Education Policy is available online at <https://policy.ku.edu/student-affairs/mandatory-alcohol-education-policy>

## **Amnesty Policy**

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University of Kansas students seeking immediate medical assistance on behalf of persons experiencing drug or alcohol-related emergencies will not be sanctioned for violations of University and/or Department of Student Housing drug or alcohol-related policies. This program is designed to promote the health and safety of our community. Any student who abuses the Amnesty Policy may be subject to disciplinary action for impeding the orderly process of the University.

The complete Amnesty Policy is available online at <https://policy.ku.edu/student-affairs/amnesty>

## **Parent Notification Policy**

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The University of Kansas will notify the parent/legal guardian of any student enrolled on the Lawrence campus, regardless of age, when the student's suspected alcohol or drug use has placed the health or safety of the student or others in danger, and notification is necessary to protect the health or safety of the student or other individuals.

In addition, The University of Kansas will notify the parent/legal guardian of a student who is under 21 years of age and enrolled on the Lawrence campus, upon the University's knowledge of such student committing one of the following circumstances.

- The first known violation of University policy or state law regarding alcohol, when the suspected use of alcohol has:
  - placed the student in a life-threatening situation as determined by an attending medical professional or as reasonably determined by the Vice Provost for Student Affairs or designee.
  - caused the student to be in a physical or mental state that has prompted intervention by University personnel, police, or medical personnel out of concern for the student's wellbeing or to address the student's conduct.
  - endangered the health or welfare of another person.

- The second known violation of University policy or state law regarding alcohol and/or drugs.
- A violation of University policy or state law regarding alcohol or other drugs that results in the cancellation of the student's University housing contract.

The complete Parental Notification Policy is available online at <https://policy.ku.edu/student-affairs/parent-notification-policy>

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## **Student Financial Aid**

A student may be ineligible to receive financial aid if the student is convicted of an offense involving the possession or sale of a controlled substance for conduct that occurred during the period of enrollment for which the student was receiving federal student aid. If you have questions, contact the Federal Student Aid Information Center at 1-800-433-3243.

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## **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. 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 alcoholic liquor in Lawrence, except areas specifically licensed for sale or specifically exempted by state law or city ordinance. Maximum Penalty: 6 months in jail and/or up to \$200 fine.

It is illegal in Lawrence to allow individuals under the age of 21 to possess or consume alcohol or cereal malt beverages on any land, building, structure, or room you own, occupy, or procure. Maximum Penalty: 6 months in jail; Minimum Penalty: \$1,000 fine.

### ***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: \$200 minimum fine (18-21 years of age); \$500 fine (under 18 years of age); perform 40 hours of public service; attending 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.

It is illegal for anyone to host a person under 21 in such a manner that permits the minor to consume alcoholic liquor or cereal malt beverages. Maximum Penalty: 1 year in jail, \$1,000 minimum fine; performance of community service.

## Other Resources

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Alcohol and KU	<a href="http://alcohol.ku.edu/">http://alcohol.ku.edu/</a>
Policy and Procedures on Substance Abuse	<a href="http://policy.ku.edu/provost/substance-abuse">http://policy.ku.edu/provost/substance-abuse</a>
Student Housing Handbook	<a href="http://www.housing.ku.edu/handbook">www.housing.ku.edu/handbook</a>
University of Kansas Alcohol and Drug Policy	<a href="http://policy.ku.edu/human-resources/alcohol-and-drug">http://policy.ku.edu/human-resources/alcohol-and-drug</a>

## Use, and Misuse, of Forms of Identification

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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 have more severe consequences. 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

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Alcoholism is the most common drug of abuse in the United States and it 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. 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

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### ***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 ; \$1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days; then use of ignition interlock device for 180 days (1 year suspension and subsequent 1 year ignition interlock device if alcohol concentration is .15 or greater)

### ***Second Conviction (Misdemeanor)***

Maximum Penalty: 1 year in jail; \$1,750 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)

### ***Third Conviction (Misdemeanor)***

(Felony if prior conviction within preceding 10 years) Maximum Penalty: 1 year in jail;\$2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; use of ignition interlock device for 2 years (3 years, if alcohol concentration is .15 or greater), with costs.

### ***Fourth Conviction (Felony)***

Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 3 years (4 years, if alcohol concentration is .15 or greater), with costs.

### ***Fifth & Subsequent Convictions (Felony)***

Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 10 years, with costs.

### ***Refusal to Submit to Alcohol or Drug Testing (Felony)***

Penalty:

- 1st time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for two years.
- 2nd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for three years,
- 3rd time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for four years,
- 4th time - suspended driver's license for 1 year; driving is restricted by ignition interlock device for five years,
- 5th time – suspended driver's license for 1 year; driving is restricted by ignition interlock device for ten years.

## Drugs

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### ***Kansas Law***

The illegal possession, use, or manufacturing of drugs may subject individuals to criminal prosecution. The University will refer violations of prohibited 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 2 felony. Maximum Penalty: 12 years imprisonment; \$500,000 fine.

Illegal possession or use of opiates, amphetamines and narcotics is a drug severity level 5 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 non-person misdemeanor and may escalate to a level 5 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 4 felony and may escalate to a drug severity 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.

### ***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; \$10,000,000 fine (first conviction). With a prior conviction for this offense: fine amount is \$20,000,000. With two prior convictions for this offense: life imprisonment without release.

Unlawful possession of a controlled substance. Maximum Penalty: 3 years imprisonment; \$5000 fine.

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.

## On Campus and in the Workplace

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The University of Kansas Alcohol & Drug Policy is located in the KU Policy Library at:

<http://policy.ku.edu/human-resources/alcohol-and-drug>

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

It is available online at <http://policy.ku.edu/student-affairs/alcohol-drug-policies-brochure>

### Help is Available

KU Counseling & Psychological Services	785-864-2277
KU Health Education Resource Office	785-864-9570
KU Human Resource Management	785-864-4946
KU Legal Services for Students	785-864-5665
KU Public Safety Office	785-864-5900
Alanon or Alateen Information	888-425-2666; <a href="http://www.kansas-al-anon.org">www.kansas-al-anon.org</a>
Alcoholic Anonymous	785-842-0110
DCCCA Outpatient Services	785-830-8238
Narcotics Anonymous	785-380-0230