

2023 Annual Notification of the Drug Free Schools and Community Act

This document is information about the University of Dubuque's (UD) Drug and Alcohol Abuse Prevention Programs (DAAPP).

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The University of Dubuque's Biennial review can be found on the footer of the dbq.edu webpage, under the Jeanne Clery Act link or by request to the offices of Student Life or Human Resources.

I. STANDARDS OF CONDUCT PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL BY STUDENTS AND EMPLOYEES

- a) UNIVERSITY POLICY: The following is the University policy regarding the use of alcohol, drugs and tobacco:
 - i. UD Students that attend main campus are expected to abide by all Iowa state laws and statutes regarding the use, possession, distribution, and consumption of alcoholic beverages. In order to consume alcohol legally in the state of Iowa, you must be 21 years of age. Students should refer to the appropriate state law if attending classes outside the State of Iowa.
 - ii. Alcohol use, possession, distribution, and/or consumption or possession of an alcohol container on the University campus or at any activity off-campus that is sponsored by any University organization, department or group is strictly prohibited. The President, or appropriate designee, may approve exceptions to this prohibition to allow possession or consumption of alcoholic beverages by persons of legal drinking age at designated special events. For clarification regarding this policy, please contact the Vice President for Student Engagement and Intercollegiate Athletics. No alcoholic beverages may be present at any activity for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership.
 - iii. Illegal drug use, possession, and distribution (including the abuse of prescription or over-the-counter drugs) and any paraphernalia related to illegal use, is prohibited.
 - iv. University personnel may, at times of concern for a student's welfare, notify a parent(s)/legal guardian(s) of a student under 21 years of age in writing and/or by phone when alcohol or drug violations of University policy occur.
 - v. The Iowa Clean Air Act bans the use of tobacco in all indoor and outdoor spaces on the campus. For details, please refer to the section on Tobacco in the Student Handbook. Here is the link to State of Iowa information:
<https://abd.iowa.gov/tobacco/smokefree-air-act>
 - vi. No advertising may be displayed that explicitly or implicitly invites students to events where alcohol will be served.

b) **STUDENTS CONDUCT, PROCESS AND PROCEDURES:** The University reserves the right to implement its student conduct system for illegal acts of local, state and federal laws, wherever these acts are committed, and for violations of University policies. Nothing contained herein should be deemed a limitation upon the expressed and implied powers or duties of the University of Dubuque's Board of Trustees or the Administrative Officers of the University.

i. **OVERVIEW PROCESS AND PROCEDURES**

(For Graduate, Seminary, and LIFE Students – See Specific information provided in your program handbook.)

Action Plan: The University will resolve its conflicts with justice and compassion. The following student conduct process and procedures will be utilized for UD students for violations of UD values, policies, and procedures.

Definitions

Hearing Officer: A UD official who has been given the authority by the Vice President for Student Engagement and Intercollegiate Athletics to conduct a student conduct hearing.

Student Conduct Appeals Board: A group authorized by the Vice President for Student Engagement and Intercollegiate Athletics to consider an appeal on the grounds of failure to receive due process, the sanction imposed was excessive, or new evidence becomes available. The Student Conduct Board of Appeal shall be appointed by the President of the University, or their designee, and composed of faculty and/or staff members. [Note: Title IX case appeals will be heard by a Title IX Coordinator. See the Title IX Policy for further details.]

Mission

The Mission of the Student Conduct Program at the University of Dubuque is the teaching of appropriate individual and group behavior, as well as protecting the campus community from disruption and harm. The program is designed to foster the ethical, moral, and spiritual development and personal integrity of students in the promotion of an environment that is in accord with the overall Mission and Values of the University.

Goals:

- a. Develop, disseminate, interpret, and enforce campus policies and regulations.
- b. Protect relevant legal rights of students.
- c. Deal with student conduct in an effective and efficient manner.
- d. Facilitate and encourage respect for campus governance.
- e. Provide learning experiences for students who participate in the operations of the student conduct system.

Philosophy

The basic student conduct philosophy at the University of Dubuque is one of education and focuses on the growth and development of students. Individuals found in violation of the values, policies, and procedures of the UD are educated to accept responsibility and consequences for those actions, respect the rights of others, and develop self-discipline.

It should be understood that there is a fundamental difference between the nature of student discipline and that of criminal law. Regardless of the type of proceeding used, the disciplining of students must be consistent with the educational mission of the University. For this reason, the procedures employed and types of sanctions used on campus seldom resemble those used in the criminal process. Although students' rights to due process and fairness must be carefully protected, the rules of criminal law are neither required nor necessary to achieve the educational goals of University discipline. Therefore, legal counsel will only be allowed to participate or observe as an advisor in any student conduct proceeding at the University of Dubuque.

Responsibility

The formal responsibility for student conduct has been delegated by the President of the University to the Vice President for Student Engagement and Intercollegiate Athletics. They may delegate another representative from the Student Life Department authority for student conduct. Whether the discipline case is processed by the Vice President for Student Engagement and Intercollegiate Athletics or another designated hearing officer, the end goal remains the same—to redirect behavior into acceptable patterns and to protect the rights of all students.

Authority: Institutional

The primary authority for campus student conduct programs is the responsibility of the Vice President for Student Engagement and Intercollegiate Athletics. Violations of University academic policies are under the primary authority of the Vice President for Academic Affairs. Please see the Values Violations section for possible sanctions regarding academic violations.

Authority: Civil/Criminal

Activities of students may, on occasion, result in a violation of civil or criminal law. Although the University does not provide legal advice or retain counsel on the student's behalf, it may serve a supportive role to a student encountering legal difficulties. Students who violate the law may incur penalties prescribed by civil authorities. The student who violates University policies and/or Iowa law in the course of their off-campus activities shall be subject to University disciplinary action. University action should be independent of community pressure.

The University reserves the right to enforce its own regulations against members of the University community when the action occurs on or off-campus. In the event a violation of a student's rights and/or University policy/Iowa state law occurs off campus, the may conduct an investigation through any means they feel is appropriate to determine if this off-campus behavior poses a threat to the peace, safety, or learning environment on campus. If the investigation reveals such a threat, the shall refer the case to the appropriate student conduct body for a hearing and possible sanctions.

Students may be liable to penalties by both civil and University authority, as in the case of underage drinking or providing alcohol to minors. This does not

constitute double jeopardy. Since the University does not function as a sanctuary from law enforcement agencies, the University will cooperate fully with these agencies when they are investigating alleged criminal activities. The University may, at any time it deems necessary, call upon civil law enforcement officials to assist in the confrontation of any student who violates institutional policies, rules, and regulations that may also be a violation of civil law.

- ii. **STUDENT CONDUCT PROCESS:** Any member of the University community may file a complaint against any student for misconduct. Complaints shall be prepared in writing and directed to the Office of Student Life or their designee responsible for the administration of the University student conduct system. Any charge should be submitted as soon as possible after the event takes place. Any student and/or organization alleged of violating a regulation has the right to due process as outlined on the following pages.

Organizations so accused will be represented in the hearing process by their president and vice president or their designee. The advisor may be present during each step of the process, but only in an advisory capacity. The advisor may not address any hearing official.

Due Process

Due process is a concept of fundamental fairness. It is not a fixed or inflexible concept unrelated to time and circumstances. The courts have preferred to define it as the “gradual process of judicial inclusion and exclusion.” Generally, due process embodies the concepts of fair play and reasonableness. In a nutshell, this means that if you adhere to the written standards of the student conduct process set forth by the Student Handbook, and these guidelines are fundamentally fair, student’s due process rights will be protected. When there are situations that are not clearly defined in a handbook, it is safest to have a higher authority clarify the issue (i.e., the Vice President for Student Engagement and Intercollegiate Athletics). Students who believe their due process rights have been compromised are able to request a new hearing through the appeal process.

Record Keeping

Academic and disciplinary records will be kept in separate locations. This minimizes the risk of improper disclosure of disciplinary information. Other than University expulsion, disciplinary sanctions shall not be made part of a student’s permanent academic record, but shall become part of the student’s confidential record kept in the Student Life Office. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, or University expulsion may be expunged from the students’ confidential record seven years after the student graduates.

Hearing Procedure

Any student who is suspected of violating a University rule and regulation and denies the violation is guaranteed a timely and fair hearing. Appropriate safeguards of the due process have been built into the procedures so that no permanent or recorded penalty shall be given until the alleged violator has a fair opportunity to be heard. Appropriate appeals are also permitted.

Hearing Guidelines/Student Rights

The following procedural guidelines are established for the direction of all persons or bodies conducting formal hearings in student conduct matters:

- a. An appropriate University official will notify the student, through the student's University of Dubuque email, that the student is accused of violating a policy/regulation.
- b. Vice President for Student Engagement and Intercollegiate Athletics or their designee (usually a member of the Student Life staff) will conduct all initial formal hearings on student conduct matters.
- c. The student is entitled to an expeditious hearing of the case.
- d. The student may admit to the suspected violation and request that the official take whatever action seems appropriate.
- e. All hearings are private and confidential.
- f. In cases involving more than one student, any of the involved students may request that their case be heard separately.
- g. The hearing officer may choose to hear the cases separately.
- h. The student may examine written testimony of any witness (names may be withheld to protect witnesses.)
- i. The complainant, the alleged violator, or the hearing officer shall have the privilege of presenting witnesses.
- j. The student may be accompanied by an advisor of their choice at the hearing. The advisor is there only to advise the student. The advisor may not speak on behalf of the alleged violator.
- k. The student may refuse to answer questions (without implication of admitting violation of University values, policy, or procedure.)
- l. The student is entitled to an explanation of the reasons for any decision rendered against them.
- m. An appropriate sanction will be imposed as soon as possible. The student would retain the right of appeal if they felt the sanction imposed was not in keeping with the gravity of the violation.
- n. If the student wishes to appeal the decision, they must do so in writing within three (3) school/business days. The Appeal Letter must be delivered to the Vice President for Student Engagement and Intercollegiate Athletics who will either act on the appeal or forward to the appropriate party depending on the origination of the hearing decision. An appeal of a decision made by the Vice President for Student Engagement and Intercollegiate Athletics will be heard by the Vice President of Student Engagement or another UD official, dependent upon the type of case.
- o. The student shall be notified of their right to appeal an initial decision. Should the student appeal, any judgment assessed shall be suspended until acted upon by a higher body, unless the person's actions are considered dangerous to others.

c) **FACULTY/EMPLOYEE CONDUCT, PROCESS AND PROCEDURES:**

To help ensure a safe, healthy, and productive work environment for our employees and others, to protect University property, and to ensure efficient operations, the University of Dubuque has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the University.

For purposes of this policy, "drugs" is defined as all substances that are subject to regulation or control by government and other substances that are defined as "drugs" by the University. "Alcohol" includes

all substances that contain alcohol in quantities that exceed approved levels by governmental authorities, and which are defined as restricted alcohol containing substances by the University.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, manufacture, sale, or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on University premises except at University events where alcohol is served under the supervision of University personnel, while on University business (whether or not on University premises) or while representing the University, is strictly prohibited. Employees and other individuals who work for the University also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law.

An employee is required to report, within five (5) days after its occurrence, any criminal drug statute conviction to the Director of Human Resource. Failure to do so may be grounds for immediate termination. In cases in which the employee is supported by a federal grant or contract, the University must notify the contracting or granting agency within ten (10) days after receiving notice of an employee's drug statute conviction.

Legal use of prescribed narcotic or sedative drugs is permitted on the job if prior notice and confirmation is given, and only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the user or other individuals in the workplace. Notice of such use must be provided to the Director of Human Resources. The Director of Human Resources may request permission to consult with the employee's medical provider who has issued the prescription as needed. If such permission is not granted or such consultation not provided, the use of such drugs on the job may be denied.

Upon reasonable suspicion, any employee may be asked to submit to a drug and/or alcohol test due to direct observation by University personnel of the employee's substance abuse or related impairment while at work; abnormal conduct or significant deterioration in performance while at work (including, but not limited to, the occurrence of medical error(s)); a credible report of alcohol or drug use while at work; evidence that an employee has caused an accident while at work causing sufficient injury or damage; or, evidence that an employee has made, sold, possessed or used drugs while at work.

The University maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs or jeopardizes the health and safety of any University employee, including themselves.

In addition to any specific disciplinary measures published elsewhere in the Employee/Faculty Handbook, and without limiting the ability of the University to implement disciplinary measures as it deems appropriate under any circumstances, a violation of this policy may be cause for one or more of the following actions to be imposed with respect to the employee:

- a. Termination
- b. Participation in, and successful completion of, a drug abuse program sponsored or approved by private or governmental institution as a condition of continued employment
- c. Suspension from University duty for up to five (5) days without pay
- d. Referral for prosecution for violation

Employees Discipline and Sanctions for Violations of the Code of Conduct

The University may impose counseling sessions and/or disciplinary actions for the purpose of correcting an employee's behavior, but not for punishing an employee. The University, in its discretion, may choose to apply a system of progressive discipline as follows:

- a. Verbal warning, counseling – in this case the employee's supervisor will discuss the area of concern with the employee as well as appropriate corrective action and the supervisor shall document the event in writing and place a copy of the incident and resolution in the employee's file;
- b. Written warnings – the employee's supervisor, with the Director of Human Resources, will address the area of concern in a writing delivered to the employee and placed in the employee's employment file, addressing the problem, corrective action, and a timetable for improvement or assessment of compliance;
- c. Suspension without pay – the basis for and period of time applicable to the suspension shall be documented in the employee's employment file;
- d. Termination.

The University may depart from these progressive discipline steps when, in the University's discretion, it believes the circumstances warrant a more accelerated, final, or alternative method of discipline. The establishment of a progressive disciplinary system does not alter the At-Will nature of employment. All disciplinary actions will be made and remain a permanent part of an employee's personnel record and cannot be removed for any reason.

Smoke Free Policy

The University supports a healthy environment for faculty, staff, students, and visitors, and has enacted this policy in compliance with the Iowa Smoke Free Air Act.

This Iowa Smoke Free Air Act bans the smoking of tobacco in all indoor and outdoor spaces on the University campus including all University property, parking lots (including, if you are lighting up while sitting in your personal vehicle), athletic fields, stadiums, University vehicles (no matter if it's on –or-off campus), the University of Dubuque Flight Operations Center at the Dubuque Regional Airport (grounds, including outdoor spaces), apartments, houses, residence halls and University sidewalks. In essence, it is against the law to smoke tobacco on or in any University property. In addition, the University of Dubuque has chosen to be a tobacco-free campus and employees are prohibited from using any tobacco products while on college property. Employees are also prohibited from using products that simulate tobacco use, such as e-cigarettes, vaping and smokeless tobacco and tobacco chew. The law does not prohibit smoking on public sidewalks around the University.

Please be attentive to this law and help by informing anyone smoking on University property that Iowa law and University policy prohibits their activity or call Safety and Security. The law takes a firm position concerning the failure to maintain a smoke-free campus community that will result in civil penalties, as well as other consequences, for both the individual and the University.

II. HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ALCOHOL ABUSE

- a) Excessive drug and alcohol use can negatively impact your ability to be a successful employee or student. Drugs and alcohol use can also lead to both short- and long-term health problems, including, but not limited to neurological effects, liver and kidney failure, and contraction of a disease such as HIV or Hepatitis. Drug and alcohol use is especially dangerous for pregnant people, as it can result in birth defects. A brief summary of the potential effects of alcohol and drugs is provided below. The NIH National Institute on Drug Abuse has more information about the effects of alcohol and drug abuse on their website. <https://nida.nih.gov/research-topics>
 - i. Alcohol- Beer, Wine, liquor <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>
 - a. Possible effects: muscle relaxation, impaired motor control, memory and judgment, depression, intoxication.
 - b. Common complications: severe impairment of all physical and mental functions, risk of choking or injury from falls or accidents, loss of consciousness, respiratory failure, coma, death due to anesthesia of brain centers controlling breathing and heart rate.
 - c. Short-Term Health Risks: Excessive alcohol use has immediate effects that increase the risk of:
 - i. Injuries, such as motor vehicle crashes, falls, drownings, and burns.
 - ii. Violence, including homicide, suicide, sexual assault, and intimate partner violence.
 - iii. Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
 - iv. Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
 - v. Miscarriage and stillbirth or fetal alcohol syndrome among pregnant women.
 - d. Long-Term Health Risks: Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:
 - i. High blood pressure, heart disease, stroke, liver disease, and digestive problems.
 - ii. Cancer of the breast, mouth, throat, esophagus, voice box, liver, colon, and rectum.
 - iii. Weakening of the immune system, increasing the chances of getting sick.
 - iv. Learning and memory problems, including dementia and poor school performance.
 - v. Mental health problems, including depression and anxiety.
 - vi. Social problems, including family problems, job-related problems, and unemployment.
 - vii. Alcohol use disorders, or alcohol dependence.

By not drinking too much, you can reduce the risk of these short- and long-term health risks. See: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

- ii. Cannabis- marijuana, hashish, hashish oil
<https://nida.nih.gov/publications/drugfacts/cannabis-marijuana>
 - a. Possible effects: altered sense of time and visual perception, euphoria, memory, depression interference, reduced coordination and reflex response capacity.
 - b. Common complications: fatigue, reactions ranging from mild anxiety to panic and paranoia, confusion, disorientation, hallucinations and distortion of sense perceptions. After alcohol, marijuana is the drug most often linked to impaired driving. Research studies have shown negative effects of marijuana on drivers, including an increase in lane weaving, poor reaction time, and altered attention to the road.
 - c. Regular, long-term marijuana use can lead to some people to develop Cannabinoid Hyperemesis Syndrome. This causes users to experience regular cycles of severe nausea, vomiting, and dehydration, sometimes requiring emergency medical attention.
- iii. Sedatives- barbiturates, tranquilizers, methaqualone, and other depressants
<https://nida.nih.gov/publications/drugfacts/prescription-cns-depressants>
 - a. Possible effects: drowsiness, slurred speech, disorientation, impaired motor coordination. If a person takes Central Nervous System depressants long term, they might need larger doses to achieve therapeutic effects. Continued use can lead to dependence.
 - b. Common complications: shallow respiration, weak and rapid pulse, coma, possible death from depression of central nervous system functions.
- iv. Hallucinogens- LSD- acid, psilocybin, peyote, mescaline, many other natural and synthetic hallucinogens <https://nida.nih.gov/research-topics/psychedelic-dissociative-drugs>
 - a. Possible effects: Rapid emotional swings; distortion of a person’s ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness; loss of appetite; tremors; enlarged pupils, increased temperature, blood pressure and heart rate, sweating and chills.
 - b. Common complications: impaired judgment leading to impulsive actions, paranoia, rapid mood swings, “bad trip” —fear, anxiety, paranoia, panic and hallucinations to match, exhaustion after use, depression, fears—often of death, of their mind not working right or of flashbacks.
- v. Narcotics- heroin, codeine, opium, morphine, Percodan, Percocet, Fentanyl, Oxycodone
<https://nida.nih.gov/research-topics/opioids>
 - a. Possible effects: euphoria, drowsiness, nausea, respiratory depression, pain relief.
 - b. Common complications: shallow and slow breathing, dizziness, vomiting, sweating, convulsions, and possible death. Increased risk of overdose or addiction.
- vi. Steroids- anabolic steroids <https://nida.nih.gov/research-topics/anabolic-steroids>
 - a. Possible effects: acne, aggressive behavior, anger management problems, cholesterol imbalance, impotence, psychosis/delusions, hormonal imbalance (both male and female), high blood pressure, blood clots, stroke and artery damage.
 - b. Common complications: aggressive behavior, psychosis, reduced fertility, stroke, liver damage, increased cancer risk.
 - c. Long-term use can lead to kidney damage or failure; liver damage; high blood pressure, enlarged heart, or changes in cholesterol leading to increased risk of stroke or heart attack, even in young people
- vii. Stimulants- cocaine, crack, speed, amphetamines, methamphetamines
<https://nida.nih.gov/publications/drugfacts/cocaine>

- a. Possible effects: increased alertness, increased pulse and blood pressure, euphoria, pupil dilation, insomnia, loss of appetite, erratic and violent behavior, panic attacks.
 - b. Common complications: agitations, irritability, dizziness, confusion, fatigue, depression, seizure, convulsions, tactile or visual hallucinations, possible death.
 - c. Long-term use can lead to loss of smell, nosebleeds, nasal damage and trouble swallowing. Infection and death of bowel tissue.
- viii. Nicotine- cigarette, cigar, vaping (e-cigarettes), shewing tobacco, cigars
- a. Possible effects: increased heart rate and blood pressure, irritation of the eyes, nose and respiratory tract, shortness of breath, decreased sensitivity of taste buds, depression.
 - b. Common complications: increased risk of: heart attack, cardiovascular disease, mouth, throat and lung cancer and other pulmonary disease.

See this link for more information:

<https://nida.nih.gov/research-topics/commonly-used-drugs-charts>

III. DRUG AND ALCOHOL COUNSELING, TREATMENT, REHABILITATION OR RE-ENTRY PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES

- a) **STUDENTS:** The Smeltzer-Kelly Student Health Center offers, through referral, the services of assessment, referral, and short-term counseling to students who are experiencing substance abuse problems. A student may seek these services on their own initiative or a supervisor of a student employee may direct them to the service when a decline in performance is observed.

The University understands the need for strict adherence to the law in cases involving alcohol, drugs, and other addictions. However, as part of its mission, the University also practices compassion toward those with abuse and/or dependency of a substance or other addictive disorders. To this end, University officials will make an effort to assist students in receiving professional counseling and/or treatment, to support students in becoming productive members of the University family and society. Students in need of services due to abuse and/or dependency of alcohol, drugs or other addictions are welcome to contact UD's Smeltzer-Kelly Student Health Center to assist with a confidential and professional referral to an appropriate service within the tristate area or through the student's referred provider within their insurance plan. The referral service is provided at no charge to the student. UD's Smeltzer-Kelly Student Health Center does not provide treatment for alcohol, drugs, or other addictions. However, UD's Smeltzer-Kelly Student Health Center has strong partnerships with area resources such as: Area Substance Abuse Council (ASAC), Hillcrest Family Services, Mercy Turning Point Treatment Center, area hospitals and clinics, intervention services, and other alternative providers.

For more information, contact the Smeltzer-Kelly Student Health Center at 563.589.3360 or via email at studenthealthcenter@dbq.edu .

- b) **EMPLOYEES (FACULTY/STAFF):** In consonance with this mission, the University is committed to preventing the use of illegal substances by students, Faculty, and staff and to encouraging responsible behavior regarding alcohol and legal addictive substances through policy, needs assessment, education and treatment.

In addition, the University provides awareness programs that focus on the dangers of and health risks associated with the use of illicit drugs and the abuse of alcohol. Such programs are coordinated annually by the Human Resource office staff and are open to all student, Faculty and staff.

A list of local drug counseling services is on hand in the Human Resources Department in Charles and Ramona Myers Center. Community agencies include: Hillcrest Mental Health: 563-557-4386; Turning Point Treatment Center: 563-589-8290; Area Substance Abuse Council: 319-390-4611; Alcoholics Anonymous: West 563-556-7921 Intergroup: 563-557-9196;

IV. LEGAL SANCTIONS IMPOSED UNDER FEDERAL, STATE AND LOCAL LAWS FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

a) FEDERAL SANCTIONS:

- i.* Alcohol: Federal alcohol laws are enforced by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Information about the legal sanctions for violations of the Interstate Transport in Aid of Racketeering (18 U.S.C 1952 with respect to federally non-tax paid liquor) can be found here: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap95-sec1952.pdf>
- ii.* Illicit drugs: Federal sanctions for possession or distribution for illicit drugs vary depending on the type of drug, the amount of drug, the background of the offender and other mitigating or aggravating circumstances. For example, a person convicted of simple possession of small amounts of certain types of controlled substances can be imprisoned for up to 3 years and fined \$5,000 or more. 21 U.S.C §844 (a). For a full description of penalties for possession and distribution of illicit drugs under federal law, please see: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap13-subchapl-partD.htm>

Charts can be located at

<https://www.getsmartaboutdrugs.gov/sites/getsmartaboutdrugs.com/files/publications/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20.pdf>

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.

Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and fine up to \$20 million if an individual and \$75 million if other than an individual.

b) IOWA LAWS RELATING TO CONSUMPTION OF ALCOHOL: State Sanctions

i. Alcohol: Iowa Code sections §123.47, 123.47(2) and §123.49(2)(h); Iowa Code section §123.39(2), and 185-4.35 Iowa Administrative Code

a. Criminal Penalties for Sales-to-Minors Violations: It is against the law for any licensee (their employees and agents) to sell, give or otherwise provide alcoholic beverages to anyone under the legal drinking age of twenty-one years.

The fine for this simple misdemeanor is: \$1,925 when committed by the licensee; \$645 when committed by an employee or agent. Iowa Code section §123.50(1)

b. Criminal Penalties for Minors: Following are the criminal penalties imposed by the courts for a minor aged 18-20 years of age purchasing or attempting to purchase or controlling or possessing an alcoholic beverage:

First violation - simple misdemeanor punishable by a \$260 fine.

Second violation - simple misdemeanor punishable by a fine of \$500.

Additionally, the person in violation shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

Third and subsequent violations - simple misdemeanor punishable by a fine of \$500 and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year. When the violation is

committed by a minor under age 18, the matter is handled by the juvenile court. Iowa Code section §123.47

- c. The following is only a partial list of the pertinent alcohol-related laws: (student handbook; p. 66)

Persons under the legal age (21 years) are prohibited from purchasing or possessing alcoholic beverages (I.C.A. 123.47).

It is unlawful to sell, give, or otherwise supply alcoholic beverages to a minor (anyone under 21 years of age) (I.C.A. 123.47 and 123.47A).

Those under the legal age may not present false evidence or misrepresent their age to a vendor or licensee for purposes of obtaining alcoholic beverages [I.C.A. 123.49(3)].

No person may sell or give alcoholic beverages to an intoxicated person [I.C.A. 123.49(1)].

Anyone under the age of 21 who is caught driving with a blood alcohol level of .02 or more will lose their driver’s license or permit for up to One year and are ineligible to apply for a restricted license for at least 60 days.

ILLICIT DRUGS: <https://www.legis.iowa.gov/docs/code/124.401.pdf>

TABLE C: Penalties Under Iowa Law for Manufacturing, Delivering, or Possessing with the Intent to Deliver a Controlled Substance, a Counterfeit Substance or a Simulated Controlled Substance

GENERAL OFFENSE MISDEMEANOR CLASSIFICATION	SPECIAL CLASS “B” FELONY - §124.401(1)(a) ¹	SPECIAL CLASS “B” FELONY - §124.401(1)(b) ¹	SPECIAL CLASS “C” FELONY - §124.401(1)(c) ¹	SPECIAL CLASS “D” FELONY - §124.401(1)(d)	AGGRAVATED MISDEMEANOR - §124.401(1)(d)	SPECIAL CLASS SERIOUS - §124.401
ALTY SUBSTANCE	not greater than 50 years and a fine of not greater than \$1,000,000	not greater than 25 years and a fine of not less than \$5,000 and not greater than \$100,000 ²	not greater than 10 years and a fine of not less than \$1,000 and not greater than \$50,000 ²	not greater than 5 years and a fine of not less than \$1,025 and not greater than \$13,660 ²	not greater than 2 years or a fine of not less than \$855 and not greater than \$8,540 or both	Not greater than 6 months or a fine of not greater than \$1,000 or both ³
LSD	greater than 10g	not greater than 10g				
COCAINE BASE “CRACK”	greater than 200g	> 40g but not > 2000g	less than or equal to 40g			
COCAINE	greater than 500g	greater than 100g but not greater than 500g	less than or equal to 100g			
PCP (PURE)	greater than 100g	greater than 10g but not greater than 100g	less than or equal to 10g			
PCP (MIXED)	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
HEROIN	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			

MARIJUANA	greater than 1,000kg	greater than 100kg but not greater than 1000 kg	greater than 50kg but not greater than 100kg	less than 50 kg		less than or equal to 1/2oz (not offered for sale)
METHAMPHETAMINE AMPHETAMINE	greater than 5kg ⁴	greater than 5g but not greater than 5kg	less than or equal to 5g ⁵			
124.204(9) Fentanyl & other listed substances	Greater than 10 kg	Greater than 5kg not greater than 10kg	5g or less			
SALVIA DIVINORUM					any amount	
SYNTHETIC CANNABIN OIDS					any amount	
SYNTHETIC CATHINONES					any amount	
OTHER SCHEDULE I, II, AND II SUBSTANCES⁶ SCHEDULE IV AND V SUBSTANCES⁷			any amount			
					any amount	

1: These are non-bailable offenses after conviction and while awaiting appeal. Iowa Code § 811.1(2). Note: must be a second or subsequent offense of § 124.401(1)(c) to qualify as non-bailable.

2: Note that the Iowa Supreme Court has determined that the minimum fines set out for violations of §124.401(1) may be suspended or deferred under chapter 907 of the Iowa Code. *State v. Grey*, 514 N.W.2d 78 (Iowa 1994).

3: This is the accommodation offense. It only includes delivery and possession with intent to deliver less than or equal to 1/2 ounce of marijuana, which was NOT offered for sale. Manufacturing marijuana is not included. An offender under this subsection is sentenced as if convicted of § 124.401(5) (possession of marijuana).

4: Deferred judgments, deferred sentences, and suspended sentences are NOT available in these instances when the substance is methamphetamine. Iowa Code § 907.3(1), (2) & (3).

5: If first offense for amphetamine or methamphetamine, then sentence may be suspended and defendant ordered to drug court or community based corrections for 1 year or until maximum benefits. §124.401E

6: Examples of other Schedule I, II and III controlled substances include mescaline, morphine, fentanyl, hashish, hashish oil, methaqualone, Seconal, Nembutal. *State v. Kaufman*, 265 N.W.2d 610 (Iowa 1978).

7: Examples of Schedule IV and V controlled substances include phenobarbital, Tylenol with codeine, meprobamate, Valium and ephedrine.

PENALTIES UNDER IOWA LAW FOR POSSESSION OF CONTROLLED SUBSTANCES		
§ 124.401(5) (Includes minimum imprisonment of 48 hours, which can be suspended)		
Note: The reduced penalties for marijuana would appear to apply only if the present offense and all previous convictions were for marijuana, otherwise the penalties for the "other than marijuana" would apply. Convictions for violations of Chapters 124, 1245B, and 453B can be used to enhance second and subsequent offenses in the "other than marijuana" category.		
	Marijuana	Other than Marijuana
First Offense	6 mo., \$1,000 fine	Serious Misdemeanor
Second Offense	Serious Misdemeanor	Aggravated Misdemeanor
Third or greater offense	Aggravated Misdemeanor	Class "D" Felony

AGGREGATION OF WEIGHTS Iowa Code § 124.401(2)--If the same person commits 2 or more acts which are in violation of § 124.401(1) and the acts occur in approximately the same location or time period so that the acts can be attributed to a single scheme, plan or conspiracy, the acts may be considered a single violation and the weight of the controlled substances involved may be combined for purposes of charging the offender and enhancing the criminal penalties. This is done at the discretion of the prosecutor. *State v. Robinson*, 506 N.W.2d 769 (Iowa 1993).

FIREARM AND OFFENSIVE WEAPON ENHANCEMENT Iowa Code § 124.401(1)(e) and (f)--If in the immediate possession of a firearm while participating in a violation of § 124.401(1), the penalty shall be 2 times the term otherwise imposed or granted. If in the immediate possession or control of an offensive weapon while participating in a violation of § 124.401(1), the penalty shall be 3 times the term imposed by law. A judgment or sentence under the firearm or offensive weapon enhancement cannot be deferred or suspended. *State v. Goodson*, 503 N.W.2d 395 (Iowa 1993).

SCHOOL OR PUBLIC RECREATION ZONE ENHANCEMENT Iowa Code § 124.401A and § 124.401B--If convicted of distributing or possessing with the intent to distribute a Schedule I, II, or III controlled substance (includes both a counterfeit and a simulated controlled substance) to a person greater than or equal to 18 years, and the offense is within 1000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, then the offender may be sentenced to an additional term of 5 years (§ 124.401A). If convicted of possessing a Schedule I, II, or III controlled substance (includes a simulated controlled substance, but the "counterfeit substance" language was omitted from the statute) and the offense is within 1000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, then the offender may be sentenced to an additional penalty of 100 hours of community service work for a public agency or a nonprofit charitable organization (§ 124.401B).

MANUFACTURING METHAMPHETAMINE IN PRESENCE OF A MINOR Iowa Code § 124.401C--If someone greater than or equal to 18 years manufactures methamphetamine

1) in the physical presence of a minor; 2) at the residence of a minor; 3) in a building where a minor might reasonably be present; 4) in a public accommodation (hotel, motel, etc.); or 5) in a multi-unit dwelling (apartment, condo, duplex, etc.), they shall be sentenced to an additional 5 years imprisonment.

DENIAL OF FEDERAL AND STATE BENEFITS Iowa Code § 901.5(11)--The Court shall consider 21 U.S.C.A. § 862 (see below), and may order the denial of federal benefits, such as school loans, grants, contracts, professional or commercial licenses. Does not include retirement, welfare, Social Security, health, disability, veterans benefits, public housing, or similar benefits. For any violation of Chapter 124, the Court shall consider the denial of state benefits and may order their denial comparable to the federal benefits. Iowa Code § 901.5(12).

DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS		
	Drug Traffickers	Drug Possessors
First Offense	ineligible for any or all federal benefits for up to 5 years	1) ineligible for any or all federal benefits for up to 1 year; and/or 2) successfully complete an approved drug treatment program with periodic future testing; and/or 3) perform appropriate community service
Second Offense	ineligible for any or all federal benefits for up to 10 years	1) ineligible for any or all federal benefits for up to 5 years; and/or 2) successfully complete an approved drug treatment program with periodic future testing; and/or 3) perform appropriate community service
Third or Greater Offense	permanently ineligible for all federal benefits	N/A

NOTE: The period of ineligibility referred to above may be suspended if the individual has completed a supervised drug rehabilitation program or otherwise has been rehabilitated. These penalties do not apply to any individual who cooperates or testifies for the government.

Campus Sanctions for both Alcohol and Illicit Drugs

Campus Safety and Security are not sworn officers therefore they respond to alcohol and drug related incidents by means of safety and disciplinary referrals to the appropriate jurisdiction, either the Vice President for Student Engagement and Intercollegiate Athletics office or City of Dubuque Police Department.