

# **Information about University of Dubuque's 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. Students 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.
    - 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 Dean of Student Formation. 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. Violations by Seminary students will be handled through the Seminary discipline processes as outlined in the Seminary section.

#### *Definitions*

Hearing Officer: A UD official who has been given the authority by the Dean of Student Formation to conduct a student conduct hearing.

Student Conduct Appeals Board: A group authorized by the Dean of Student Formation 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: See the Title IX Policy for further details regarding Title IX appeals.]

#### *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. Address 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 charged with violating 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 Dean of Student Formation. The Dean of Student Formation may delegate another representative from the Student Life Department authority for student conduct. Whether the discipline case is processed by the Dean of Student Formation 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 Dean of Student Formation. 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 state

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 Dean of Student Formation 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 Dean of Student Formation 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 Dean of Student Formation 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 Dean of Student Formation) 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. Dean of Student Formation or their designee (usually a member of the Student Life staff) will conduct all initial formal hearings on student conduct matters. (Excluding academic conduct through Academic Affairs)
- 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 Dean of Student Formation 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 Dean of Student Formation will be heard by the Dean 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:** As employees of the University, Faculty and Staff are required to adhere to official University policies as published in the Faculty/Staff Handbooks, the University Catalog, or otherwise promulgated by the Board of Trustees, the President or administrative authorities.

University prohibits the unlawful manufacture, distribution, dispensing, possession, consumption, sale or use of controlled substances and alcohol on or in University owned or controlled property or in the course of University business or activities. Individuals including, but not limited to, students, employees, contractors, agents, volunteers or invitees who violate this policy shall be subject to discipline, termination/dismissal, debarment, arrest or citation, and referral by University officials for prosecutions, as applicable. Additionally, employees or students who violate this policy may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by the University.

*Employees Discipline and Sanctions for Violations of the Code of Conduct:* When any member of the University community violates a lawful University policy or regulation, such person shall be subject to disciplinary action by the University. If the person's behavior simultaneously violates a civil or criminal law, (State or Federal), the University may take disciplinary action independent of actions taken by civil authorities. Any employee or student guilty of violating a local, state or federal law pertaining to unlawful possession, use or distribution of illicit drugs and alcohol must notify the appropriate University official, in writing, no later than five (5) days after

conviction. Failure to comply with this notification requirement will result in immediate termination or dismissal.

No later than thirty (30) calendar days after receiving notification of such conviction from an employee or student the University shall:

- i. Take action against the employee or student to include any range of authorized disciplinary actions up to termination/dismissal; and/or
- ii. Require the employee or student to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by the University; and
- iii. If the employee or student is authorized to work on a grant provided by the Federal Government at the time of the incident, the University shall notify the agency which awarded the grant within ten (10) calendar days after receipt of notification from the employee.

The University will review this policy and the relevant education assessment, and treatment programs annually to determine their effectiveness and to ensure that sanctions are consistently enforced. The University reserves the right to implement changes at any time by approval of the President.

Smoking is strictly prohibited in all campus buildings in compliance with the Iowa Smoke Free Air Act.

#### *Employees*

The University is committed in its efforts to provide and maintain a drug free environment for its students, staff and employees. To ensure employee and student safety the University has implemented the following Drug Free Workplace Policy applicable to all faculty and staff:

Prohibition: It is unlawful to manufacture, distribute, dispense, possess or use any illicit drugs (including the illegal use of alcohol) during any period of normal employment either on the premises of the University or at any other site where the employee is carrying out assigned duties.

An employee is required to report within five days, any criminal drug statute conviction to the Director of Human Resource. Failure to do so may be grounds for immediate termination. The Human Resource Director shall forward the notice to the Vice President of Finance. 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.

In addition to any specific disciplinary measures published elsewhere in this document, and without limiting the ability of the University to implement disciplinary measures as it deems appropriate under any circumstances that the University in its discretion deems disciplinary or corrective action warranted, a violation of this policy may be cause for one or more of the following actions:

- i. Termination; Participation in and successful completion of a drug abuse program sponsored or approved by private or governmental institution;
- ii. Suspension from the University duty for up to five (5) days without pay; and/or
- iii. Referral for prosecution for violation.

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

- i. 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;
- ii. 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;
- iii. Suspension without pay – the basis for and period of time applicable to the suspension shall be documented in the employee's employment file;
- iv. 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 smoking while sitting in your personal vehicle), athletic fields, stadiums, University vehicles (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, 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 and herbal 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 prohibits their activity, or call Campus 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) **ALCOHOL:** From the Centers for Disease Control and Prevention – Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink.

- i. **Short-Term Health Risks:** Excessive alcohol use has immediate effects that increase the risk of:
  - a. Injuries, such as motor vehicle crashes, falls, drownings, and burns.
  - b. Violence, including homicide, suicide, sexual assault, and intimate partner violence.
  - c. Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
  - d. Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
  - e. Miscarriage and stillbirth or [fetal alcohol spectrum disorders \(FASDs\)](#) among pregnant women.
- ii. **Long-Term Health Risks:** Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:
  - a. High blood pressure, heart disease, stroke, liver disease, and digestive problems.
  - b. Cancer of the breast, mouth, throat, esophagus, liver, and colon.
  - c. Weakening of the immune system, increasing the chances of getting sick.
  - d. Learning and memory problems, including dementia and poor school performance.
  - e. Mental health problems, including depression and anxiety.
  - f. Social problems, including lost productivity, family problems, and unemployment.
  - g. 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>

- b) **ILLICIT DRUG:** From the National Institute on Drug Abuse – General health risks:
- i. **Increased spread of infectious diseases:** Injection of drugs such as heroin, cocaine, and methamphetamine currently accounts for 1 in 10 cases of HIV. Injection drug use is also a major factor in the spread of hepatitis C, a serious, potentially fatal liver disease. Injection drug use is not the only way that drug abuse contributes to the spread of infectious diseases. All drugs of abuse cause some form of intoxication, which interferes with judgment and increases the

- likelihood of risky sexual behaviors. This, in turn, contributes to the spread of HIV/AIDS, hepatitis B and C, and other sexually transmitted diseases.
- ii. Negative effects of prenatal drug exposure on infants and children: A mother's abuse of heroin or prescription opioids during pregnancy can cause a withdrawal syndrome (called neonatal abstinence syndrome, or NAS) in her infant. Symptoms will differ depending on the substance used, but may include tremors, problems with sleeping and feeding, and even seizures. Some drug-exposed children will have developmental problems with behavior, attention, and thinking. Ongoing research is exploring if these effects on the brain and behavior extend into the teen years, causing continued developmental problems. In addition, some substances can make their way into a mother's breast milk. Scientists are still learning about long-term effects on a child who is exposed to drugs through breastfeeding.
- c) RISK FROM SPECIFIC DRUGS:
- i. **Marijuana** is the most commonly abused illegal substance. This drug impairs short-term memory and learning, the ability to focus attention, and coordination. It also increases heart rate, can harm the lungs, and can increase the risk of psychosis in those with an underlying vulnerability.
  - ii. **Prescription medications**, including opioid pain relievers (such as OxyContin<sup>®</sup> and Vicodin<sup>®</sup>), anti-anxiety sedatives (such as Valium<sup>®</sup> and Xanax<sup>®</sup>), and ADHD stimulants (such as Adderall<sup>®</sup> and Ritalin<sup>®</sup>), are commonly misused to self-treat for medical problems or abused for purposes of getting high or (especially with stimulants) improving performance. However, misuse or abuse of these drugs (that is, taking them other than exactly as instructed by a doctor and for the purposes prescribed) can lead to addiction and even, in some cases, death. Opioid pain relievers, for instance, are frequently abused by being crushed and injected or snorted, greatly raising the risk of addiction and overdose. Unfortunately, there is a common misperception that because medications are prescribed by physicians, they are safe even when used illegally or by another person than they were prescribed for.
  - iii. **Inhalants** are volatile substances found in many household products, such as oven cleaners, gasoline, spray paints, and other aerosols, that induce mind-altering effects; they are frequently the first drugs tried by children or young teens. Inhalants are extremely toxic and can damage the heart, kidneys, lungs, and brain. Even a healthy person can suffer heart failure and death within minutes of a single session of prolonged sniffing of an inhalant.
  - iv. **Cocaine** is a short-acting stimulant, which can lead users to take the drug many times in a single session (known as a "binge"). Cocaine use can lead to severe medical consequences related to the heart and the respiratory, nervous, and digestive systems.
  - v. **Amphetamines**, including methamphetamine, are powerful stimulants that can produce feelings of euphoria and alertness. Methamphetamine's effects are particularly long-lasting and harmful to the brain. Amphetamines can cause high body temperature and can lead to serious heart problems and seizures.

- vi. **MDMA (Ecstasy or “Molly”)** produces both stimulant and mind-altering effects. It can increase body temperature, heart rate, blood pressure, and heart-wall stress. MDMA may also be toxic to nerve cells.
- vii. **LSD** is one of the most potent hallucinogenic, or perception-altering, drugs. Its effects are unpredictable, and abusers may see vivid colors and images, hear sounds, and feel sensations that seem real but do not exist. Users also may have traumatic experiences and emotions that can last for many hours.
- viii. **Heroin** is a powerful opioid drug that produces euphoria and feelings of relaxation. It slows respiration, and its use is linked to an increased risk of serious infectious diseases, especially when taken intravenously. People who become addicted to opioid pain relievers sometimes switch to heroin instead, because it produces similar effects and may be cheaper or easier to obtain.
- ix. **Steroids**, which can also be prescribed for certain medical conditions, are abused to increase muscle mass and to improve athletic performance or physical appearance. Serious consequences of abuse can include severe acne, heart disease, liver problems, stroke, infectious diseases, depression, and suicide.
- x. **Drug combinations.** A particularly dangerous and common practice is the combining of two or more drugs. The practice ranges from the co-administration of legal drugs, like alcohol and nicotine, to the dangerous mixing of prescription drugs, to the deadly combination of heroin or cocaine with fentanyl (an opioid pain medication). Whatever the context, it is critical to realize that because of drug–drug interactions, such practices often pose significantly higher risks than the already harmful individual drugs.

See: <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/addiction-health>

### 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 tri-state area or through the student’s preferred 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: Substance Abuse Services Center (SASC), Hillcrest Family Services, 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](mailto: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 Smith Hall. Community agencies include: Hillcrest Mental Health: 563-582-0145; Turning Point Treatment Center: 563-589-8290; Substance Abuse Service: 582-3784; 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.dea.gov/pr/multimedia-library/publications/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf#page=30) and

<https://www.dea.gov/druginfo/ftp3.shtm>

or below (next page):

### FEDERAL TRAFFICKING PENALTIES

| DRUG/SCHEDULE   | QUANTITY                                  | PENALTIES   | QUANTITY   | PENALTIES  |
|---|---|---|--|--|
| Cocaine (Schedule II)   | 500-4999 grams mixture                    | <b>First Offense:</b> 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.   | 5 kgs or more mixture                              | <b>First Offense:</b> 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.  |
| Cocaine Base (Schedule II)  | 28-279 grams mixture                      |   | 280 grams or more mixture                          |  |
| Fentanyl (Schedule II)  | 40-399 grams mixture                      | <b>Second Offense:</b> 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.  | 400 grams or more mixture                          | <b>Second Offense:</b> 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.<br><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. |
| 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                                | <b>First Offense:</b> 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.<br><b>Second Offense:</b> 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                                | <b>First Offense:</b> 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.<br><b>Second Offense:</b> 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                                | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.   |  |  |
| Flunitrazepam (Schedule IV)   | Other than 1 gram or more                 | <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.  |  |  |
| All Schedule V drugs  | Any amount                                | <b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.<br><b>Second Offense:</b> 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 \$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 \$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<br>More than 1 kg of hashish oil; 50 to 99 marijuana plants                   | Not more 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 more 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)<br>1 to 49 marijuana plants; | Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.   | Not more 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  |   |  |

**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: \$1,500 when committed by the licensee; \$500 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 \$100 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 60 days. Temporary driving permits for school, work, or any reason, will not be issued during the suspension period.

- ii. ILLICIT DRUGS: <https://www.legis.iowa.gov/docs/ico/chapter/124.pdf>

See the next page for the chart on illicit drugs.

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) <sup>1</sup>               | SPECIAL CLASS "B" FELONY - §124.401(1)(b) <sup>1</sup>  | SPECIAL CLASS "C" FELONY - §124.401(1)(c) <sup>1</sup>   | SPECIAL CLASS "D" FELONY - §124.401(1)(d)   | AGGRAVATED MISDEMEANOR - §124.401(1)(d)  | SPECIAL CLASS SERIOUS - §124.401   |
|--|--|---|--|---|--|--|
| <b>PENALTY</b>   | 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 <sup>2</sup> | not greater than 10 years and a fine of not less than \$1,000 and not greater than \$50,000 <sup>2</sup> | not greater than 5 years and a fine of not less than \$1,025 and not greater than \$13,660 <sup>2</sup> | 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 <sup>3</sup> |
| <b>SUBSTANCE</b>   |  |   |  |   |  |  |
| <b>LSD</b>   | greater than 10g   | not greater than 10g  |  |   |  |  |
| <b>COCAINE BASE "CRACK"</b>                                | greater than 200g  | > 40g but not > 2000g   | less than or equal to 40g  |   |  |  |
| <b>COCAINE</b>   | greater than 500g  | greater than 100g but not greater than 500g   | less than or equal to 100g   |   |  |  |
| <b>PCP (PURE)</b>  | greater than 100g  | greater than 10g but not greater than 100g  | less than or equal to 10g  |   |  |  |
| <b>PCP (MIXED)</b>   | greater than 1kg   | greater than 100g but not greater than 1kg  | less than or equal to 100g   |   |  |  |
| <b>HEROIN</b>  | greater than 1kg   | greater than 100g but not greater than 1kg  | less than or equal to 100g   |   |  |  |
| <b>MARIJUANA</b>   | greater than 1,000kg   | greater than 100kg but not greater than 1000kg  | greater than 50kg but not greater than 100kg   | less than 50 kg   |  | less than or equal to 1/2oz (not offered for sale)                                   |
| <b>METHAMPHETAMINE AMPHETAMINE</b>                         | greater than 5kg <sup>4</sup>  | greater than 5g but not greater than 5kg  | less than or equal to 5g <sup>5</sup>  |   |  |  |
| <b>124.204(9) Fentanyl &amp; other listed substances</b>   | Greater than 10 kg   | Greater than 5kg not greater than 10kg  | 5g or less   |   |  |  |
| <b>SALVIA DIVINORUM</b>                                    |  |   |  |   | any amount   |  |
| <b>SYNTHETIC CANNABINOIDS</b>                              |  |   |  |   | any amount   |  |
| <b>SYNTHETIC CATHINONES</b>                                |  |   |  |   | any amount   |  |
| <b>OTHER SCHEDULE I, II, AND II SUNSTANCES<sup>6</sup></b> |  |   | any amount   |   |  |  |
| <b>SCHEDULE IV AND V SUBSTANCES<sup>7</sup></b>            |  |   |  |   | any amount   |  |

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 Dean of Students Formation office or City of Dubuque Police Department.