

Alcohol and Drug-Free Campus

DRUG-FREE WORKPLACE

POLICY:II-7-10

DATE OF ADOPTION: September 17, 1998

REVISION DATE(S): March 26, 2009

LEGAL REFERENCE:

Seminole State College is committed to maintaining a drug-free workplace in accordance with the requirements of the Drug Free Workplace Act of 1988 (P.L. 100-690, Title V, Subtitle D) and the Drug Free Schools and Communities Act Amendments of 1989 (P.L. 101-226). Health risks generally associated with alcohol and drug abuse can result in, but are not limited to a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes and thought disorders.

To this end, the SSC Board of Regents has formally endorsed the Executive Proclamation issued by Governor Henry Bellmon on March 31, 1989, regarding actions by state agencies to insure a drug-free workplace. The U.S. Department of Education has issued regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989.

On June 26, 2018, Oklahoma voters approved State Question 788, codified as 63 O.S. § 420 et seq.; 63 O.S. § 426.1; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; and the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 428 et seq. This state question was an initiative to legalize medical marijuana. Despite passage of State Question 788, the use, possession, sale, or distribution of marijuana (including medical marijuana, edibles, and products containing marijuana) on any college-owned or controlled property or at any college event remains illegal pursuant to the Controlled Substances Act (21 U.S.C. §§ 801-904), the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226), and the Drug Free Workplace Act (41 U.S.C. §§ 8101-8106), and against Seminole State College policy.

Students, employees, or citizens cannot bring marijuana on any college property or to any college event, smoke or consume marijuana, or any product containing marijuana on any college property or at any college event. Students, employees, or citizens cannot come to class or work under the influence of any illegal substance, including marijuana. Even though medical marijuana is now legal under Oklahoma law, it remains illegal under federal law. As a recipient of federal funding, Seminole State College must abide by federal law, which prohibits the unlawful manufacture, distribution, possession, and use of illegal drugs, including medical marijuana.

Regardless of having a license for medical marijuana, its use on campus or at college events is strictly prohibited and violation of Seminole State College policy regarding controlled substances such as marijuana may result in disciplinary action. The College is required to distribute the following information annually to employees in writing concerning the possession, use, or distribution of alcohol and illicit drugs at the College.

College Policies Relative to Drug-Free Workplace Requirements

1. The workplace of Seminole State College shall be free from the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol. Such activities shall be grounds for disciplinary action, up to and including termination.

2. Seminole State College employees who are convicted of a drug or alcohol-related offense shall notify their supervisor and the appropriate administrative officer within five working days following the conviction or be subject to immediate suspension without pay by the President and subject to immediate termination by the Board of Regents. If the employee so convicted is engaged in a federally funded program, the appropriate federal funding agency shall be notified of the conviction within ten working days after receiving notice of the employee's conviction.

3. Employees who are convicted of a drug or alcohol-related offense, but who are not terminated from College employment, shall be required to successfully complete a recognized drug treatment or rehabilitation program.

4. All employees of the College who are directly involved in federally funded projects will be required to attend the workplace-related drug awareness program offered by the Office of Personnel Management. Employees are forbidden from performing sensitive safety functions while under the influence of any prohibited substance.

Seminole State College has long standing policies regarding drug and alcohol use on campus, and at college events by students. Articles 7 and 8 of the Student Code of Conduct, as published in the College Student Handbook, prohibits consumption, possession or sale of alcoholic beverages and illegal drugs on campus. These policies are stated below for college students.

***Alcoholic Beverages:** The consumption or possession of beer or other alcoholic beverages on the campus, or at any affair sponsored by or for a student organization is prohibited. Individuals who are found in a state of clear intoxication will be asked to leave campus. Misconduct in connection with drinking, whether on or off campus, will result in disciplinary action for the student involved.

***Possession of Illegal Drugs:** The consumption, sale, or possession of barbiturates, amphetamines, or any illicit drug or substance on the campus, or at any affair sponsored by or for a student organization, is forbidden. Misconduct in connection with the use of drugs on or off campus will result in disciplinary action.

Sanctions for Violation of Drug & Alcohol Free Campus Policy

College Students

Any student appearing on the college campus or at any college related activity under the influence or in possession of alcohol and/or drugs will be subject to disciplinary action up to and including expulsion. Any student who is found to be in possession of alcohol and/or drugs and who is involved in distributing such alcohol or drugs to other persons on campus or at any college related activity, whether for a fee or not, shall be subject to immediate suspension or expulsion from the college. Any person who receives such alcohol or drugs will be subject to the same penalty. In addition to disciplinary action taken by college authorities, any violations of local, state, or federal laws by a college employee or student will be reported to the appropriate legal authorities for review and possible legal action.

Legal sanctions for Drug and Alcohol Abuse

Federal Drug Laws

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines of up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under 21 years of age may be punished up to twice the term of imprisonment and fined otherwise authorized by law.

Oklahoma Drug Laws

In the State of Oklahoma, laws regarding the use and/or sale of drugs are found primarily in the Uniform Controlled Dangerous Substance Act (63 O.S. A. SS2-101-2-608). The Act was established by the Bureau of Narcotics and Dangerous Drugs Control Commission. It defines drug paraphernalia, classifies drugs into schedules and regulates the manufacture, distribution, dispensing, prescribing, administering, and using for scientific purposes of controlled dangerous substances. Except as authorized by the Uniform Controlled Dangerous Substance Act, it is unlawful for any person:

- 1.** To distribute, dispense, or solicit the use of, or use the services of a person less than 18 years of age to distribute or dispense a controlled dangerous substance, or possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance.
- 2.** To create, distribute, or possess with intent to manufacture, distribute, or dispense, a counterfeit controlled dangerous substance.
- 3.** To distribute any imitation controlled substance as defined by S 2-101 of the Act, except when authorized by the FDA.

Any person who violates the provisions of this Act shall be guilty of a misdemeanor or felony, depending upon the substance with respect to which the person has violated the Act. The act provides for penalties ranging up to imprisonment in the State penitentiary for life and fines of up to \$100,000.00. It is important to note that, in some circumstances, a single transaction involving narcotic drugs may give rise to the violation of more than one (1) statutory provision. Where this occurs, separate offenses are perpetrated, each of which may be subject to penalty. Additionally, prosecution of a defendant for unlawful possession of a narcotic drug under a state law does not bar a Federal prosecution for unlawful transfer of the drug, inasmuch as two (2) separate offenses are involved. Additional penalties are provided for any person found distributing, dispensing or possessing with intent to distribute, a controlled dangerous substance or imitation controlled dangerous substance on any school property, used for school purposes, which is owned by any private school, public school district, or vocational technical school district, or within 1,000 feet of any such school property, or while on any bus owned or operated by any part of the school, public school district, or vocational technical school district. Any person convicted of violating this section shall be guilty of a felony and shall be sentenced to a term of imprisonment for not less than five (5) years no more than twenty (20) years and a fine of not more than \$100,000.00.

Convictions for violations of this section shall not be subject to statutory provisions for suspended sentences, deferred judgments, or probation. It is unlawful for any person, knowingly or intentionally, to possess a controlled dangerous substance unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner while acting during his professional practice, or except as otherwise authorized by the Act. It is also unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substance Act pursuant to S-2-313 of said Act in an amount or within a time interval other than that permitted by S 2-313 or the Act. Violation of this section results in various penalties determined primarily by the schedule within which the substance falls. Punishment ranges up to imprisonment for no more than twenty (20) years. S2-405 prohibits the use of tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription, therefore. This section further prohibits possession of drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of the Act, except those person holding an unrevoked license in the medical profession. Further, no person shall deliver, possess, or manufacture drug paraphernalia knowing it will be used in such a manner. Any person 18 years of age or over who violates the section by delivering drug paraphernalia to a person less than 18 years of age who is at least 3 years his junior shall, upon conviction, be guilty of a felony. The section provides for penalties ranging from imprisonment in the county jail for not more than one (1) year or a fine of not more than \$1,000.00 or

both.

The Act contains further restrictions upon registrants with regard to acquiring and obtaining possession of certain controlled substances. The Trafficking in Illegal Drugs Act is found in Title 63, S2-414, and following. This Act provides that it is unlawful for any person to knowingly distribute, manufacture, bring into this State, or possess a controlled substance specified in that Act or possess any controlled substance with the intent to manufacture a controlled substance specified in the Act, or use or solicit the use of services of a person less than 18 years of age to distribute or manufacture a controlled dangerous substance specified in the Act. Violation of this section shall be known as “trafficking in illegal drugs.” Any person that commits the conduct described therein shall be punished under the provisions appropriated for controlled substance represented, regardless of the actual falls. Punishment ranges up to imprisonment for no more than twenty (20) years. S2-405 prohibits the use of tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription. This section further prohibits possession of drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance in violation of the Act, except those person holding an unrevoked license in the medical profession. Further, no person shall deliver, possess, or manufacture drug paraphernalia knowing it will be used in such a manner. Any person 18 years of age or over who violates the section by delivering drug paraphernalia to a person less than 18 years of age who is at least 3 years his junior shall, upon conviction, be guilty of a felony. The section provides for penalties ranging from imprisonment in the county jail for not more than one (1) year or a fine of not more than \$1,000.00 or both.

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Alcohol laws

A person under 21 years of age in possession of any alcoholic beverage is subject to being charged for possession by a person under 21. Any person over 21 years of age who provides alcoholic beverages to a person less than 21 years of age may be charged with contributing to the delinquency of a minor. Persons who drive while consuming alcohol are subject to several different charges, depending on circumstances, including transporting an open container or bottle and driving under the influence of alcohol. Another alcohol related charge that may be made against those using alcohol is being under the influence or public drunk, depending on the circumstances. All the above provide for the assessment of fines. Some also provide for possible jail sentences and rehabilitative activities. The above listing of alcohol laws does not include all possible laws and penalties that can be imposed for violations.

According to the National Institute on Drug Abuse, [https://www.drugabuse.gov/\(2021\)](https://www.drugabuse.gov/(2021)), the following are descriptions and health risks for various drugs and alcohol:

- Alcohol is a depressant drug that impairs judgment and coordination and can cause a greater likelihood of aggressive and/or violent behavior. Alcohol consumed by pregnant women, may cause irreversible physical and mental abnormalities in newborns (fetal alcohol syndrome) or even death. Long-term use may lead to irreversible physical and mental impairment, including liver disease, heart disease, cancer, ulcers, gastritis, delirium tremens, and pancreatitis. Driving while under the influence of alcohol is particularly dangerous and is a major cause of traffic-related deaths.
- Date rape drugs (rohypnol, roofies, GHB, ketamine, etc.) may incapacitate a person, particularly when used with alcohol. Rohypnol and GHB (gamma-hydroxybutyrate) are characterized as “date rape” drugs because they incapacitate victims, thus increasing susceptibility to sexual assault. Sedation, relaxation, and amnesia are associated with rohypnol use. Rohypnol may be psychologically and physically addictive possibly causing death if ingested with alcohol or other depressants. GHB use can result in coma and seizures and, when mixed with methamphetamines, appears to cause an increased risk of seizure. GHB may also produce withdrawal effects, including insomnia, anxiety, tremors, and sweating. Ketamine may induce feelings of near-death experiences.
- Marijuana is the most commonly used addictive drug after tobacco and alcohol. Marijuana can have a wide range of health effects to include impaired memory, hallucinations, and paranoia, breathing problems, impaired memory and learning, altered senses, changes in mood, impaired body movement, difficulty with thinking and problem-solving, and impaired memory and learning.
- Ecstasy (x, adam, mdma, xtc, etc.) has amphetamine-like and hallucinogenic properties. Its chemical structure is similar to other synthetic drugs known to cause brain damage. Ecstasy use may cause psychological difficulties, including confusion, depression, sleep problems, drug craving, severe anxiety, paranoia and even psychotic episodes. Physical symptoms such as increases in heart rate and blood pressure may result from use of such substances.
- Hallucinogens (acid, PCP, LSD, psilocybin [mushrooms]) are potent mood-changing chemicals and may produce unpredictable effects that can weaken coordination, perception, and cognition. Some LSD users experience flashbacks, often without warning, without the user having taken the drug again. Violence, paranoia, delusions, hallucinations, and other harm may result from hallucinogen use.
- Narcotics (heroin, opium, morphine, codeine, pain medication [demerol, percodan, lortab, etc.]) may produce temporary euphoria followed by depression, drowsiness, cognitive impairment, and vomiting. Narcotic use may cause convulsions, coma, and death. Tolerance and dependence tend to develop rapidly. Using contaminated syringes to inject drugs may result in contracting HIV and other infectious diseases.
- Nicotine (tobacco, cigarettes, cigars, chewing tobacco, nicotine chewing gum and patches) is highly addictive and, according to the surgeon general, the major cause of stroke and is the third leading cause of death in the United States. Nicotine ingestion results in central nervous system sedation and may cause drowsiness and depression. If women smoke cigarettes and also take oral contraceptives, they are more prone to cardiovascular and cerebrovascular diseases than other smokers. Pregnant women who smoke cigarettes run an increased risk of having stillborn or premature infants or infants with low birth weight.