

DRUG AND ALCOHOL POLICIES



BROWN MACKIE COLLEGE
BOISESM

Alcohol/Drug Possession, Usage, and Distribution Policy

Drug-Free Workplace and College

The use of illegal drugs and the abuse of alcohol at Brown Mackie College — Boise or in facilities controlled by the Brown Mackie College — Boise are prohibited by College regulations and are incompatible with the Brown Mackie College — Boise goal of providing a healthy educational environment for students, faculty, staff, and guests. The following information is provided in compliance with the Drug-Free Schools and Communities Act Amendments of 1989.

Effects of Drugs and Alcohol

Although individuals often use drugs and alcohol to achieve a variety of effects on mind and body that are found to be temporarily useful or pleasurable, drugs can be highly addictive and injurious. A person can pay a price in terms of his or her physical, emotional, and social health.

This price can be paid in a number of ways. The *Health* risk of contracting sexually transmitted diseases, including AIDS, is increased through unwanted or unprotected sex when one is under the influence of drugs or alcohol. Drugs can be the trigger for violent crime. Economic and legal problems usually follow directly when one tries to support a drug habit by resorting to crime. The dependence, illness, loss of job, and loss of family or friends that can result from drug or alcohol use and abuse can be tragic.

In keeping with the mission of Education Management Corporation and the requirements of state and federal law, Brown Mackie College — Boise has adopted this program to ensure a drug-free college and workplace and to prevent the use of controlled substances and the abuse of alcohol.

Risks Associated with the Use of Alcohol

Short-Term Risks

- Increased risks of accidents and injuries
- Alcohol-related traffic accidents (the leading cause of death for teens)
- Alcohol slows reaction time, decreases muscle coordination, and impairs vision
- Fatal overdose
- Unconsciousness or blackout
- Death by aspiration of vomit
- Nausea
- Gastritis

Long-Term Risks

- Increased blood pressure
- Increased risk of heart attack
- Brain damage resulting in permanent psychosis
- Cancer of the mouth, esophagus, or stomach
- Liver damage (cirrhosis, alcohol hepatitis, cancer)
- Ulcers and gastritis
- Pancreatitis
- Birth defects
- In males, testicular atrophy and breast enlargement
- In females, increased risk of breast cancer
- Prolonged, excessive drinking can shorten life span by 10 to 12 years

Health Risks Associated with the Use of Drugs

Amphetamines (Speed, Uppers)

- Malnutrition
- Hallucinations
- Dependence, psychological, and sometimes physical

Deliriant (Aerosols, Lighter Fluid, Paint Thinner)

- Permanent damage to lungs, brain, liver, bone marrow
- Loss of coordination, confusion, hallucinations
- Overdose causing convulsions, death

Depressants (Barbiturates, Tranquilizers, Methaqualone)

- Confusion, depression, loss of coordination
- Dependence — physical and psychological
- Coma, death (caused by overdose)
- Can be lethal when combined with alcohol

Hallucinogens (LSD, PCP, DMT, STP, Mescaline)

- Hallucinations, panic, irrational behaviors (which can lead to increased risk of accidents, injuries)
- Tolerance overdose leading to convulsions, coma, death
- Possible birth defects in children of LSD users

Intravenous Drug Use

- Places one at risk for HIV infection (the virus causing AIDS) when needles are shared

Marijuana and Hashish

- Chronic bronchitis
- Decreased vital capacity
- Increased risk of lung cancer
- In men, lower levels of testosterone and increase in abnormal sperm count

Stimulants (Cocaine)

- Painful nosebleeds and nasal erosion
- Intense “downs” that result in physical and/or emotional discomfort
- Tolerance and physical dependence can develop

Narcotics (Heroin, Morphine, Codeine, Opium)

- Malnutrition
- Hepatitis
- Loss of judgment and self-control leading to increased risk of accidents, injuries
- Dependence
- Overdose leading to convulsions, coma, death

Sanctions

Brown Mackie College — Boise Sanctions

Brown Mackie College — Boise, in all of its actions, seeks to uphold local, state, and federal laws. Insofar as permitted by these laws, the Brown Mackie College — Boise will apply sanctions that could lead to a student being fined, suspended, or expelled or an employee being disciplined, suspended, or dismissed for violation of the Brown Mackie College — Boise standards of conduct. Students and employees may also be referred for prosecution. Disciplinary sanctions may include the completion of an appropriate rehabilitation program, at the student’s or employee’s expense, if necessary.

Laws Governing the Use of Alcohol – Idaho

Note: This listing is not intended to be a comprehensive listing and is not intended for legal purposes.

A. City of Boise Municipal Law

1. Public Intoxication – Boise City Code § 6-01-06

It is unlawful for any person to be in a public place and intoxicated at a level that presents a danger to himself or others or creates a disturbance of the peace. This offense is punishable by a fine not exceeding \$1,000.00 and/or imprisonment in the county jail for a period not in excess of six (6) months.

2. Possession of Open Container of Alcohol in Public – Boise City Code § 6-01-15

It is unlawful for any person to (1) consume any alcoholic beverage, or (2) to have in his possession an open container of alcoholic beverage, in public in the City of Boise. This offense is a misdemeanor punishable by a fine not exceeding \$1,000.00 and/or imprisonment in the county jail for a period not in excess of six (6) months.

B. Idaho State Law

1. Dispensing Alcohol to a Minor – I.C. § 23-603

Anyone over eighteen (18) years of age who sells, gives, furnishes or causes to be sold, given or furnished, alcoholic beverages to a minor is guilty of a misdemeanor. First-time violators are subject to a fine of at least \$500.00 but less than \$1,000.00 per violation, or by imprisonment not to exceed one (1) year, or both. Second and subsequent violations constitute misdemeanors subject to a fine of at least \$1,000.00 but less than \$2,000.00 for each violation, or by imprisonment for up to one (1) year, or both.

2. Consumption, Possession or Purchase of Alcohol by Minor – I.C. § 23-604

Any minor who purchases, attempts to purchase, consumes or possesses any alcoholic beverages is guilty of a misdemeanor. First-time offenders are subject to a fine not exceeding \$1,000.00, plus suspension of his driving privileges for one (1) year. Two-time offenders are subject to a fine not to exceed \$2,000.00 or imprisonment not exceeding thirty (30) days, or both. All subsequent convictions are punishable by a fine of not more than \$3,000.00 or imprisonment not exceeding sixty (60) days, or both.

3. False Statements of a Minor to Purchase Alcohol – I.C. § 23-615

A minor who knowingly misrepresents his qualifications to purchase alcohol beverages is guilty of a misdemeanor. The same penalties as set forth in paragraph 2 above (relating to the consumption, possession or purchase of alcohol by a minor) apply to those minors who make false statements to purchase alcohol.

4. Driving Under the Influence of Alcohol – I.C. § 18-8004

It is a misdemeanor for any person to drive or be in physical control of a motor vehicle where the alcohol concentration in such person's blood, breath or urine is 0.08% or more. A first-time violator is subject to a jail sentence of less than six (6) months, suspension of one's driver's license for thirty (30) days and/or a fine of up to \$1,000.00.

Minors who drive or control a car with blood alcohol content between 0.02% and 0.08% are guilty of a misdemeanor, punishable by a fine of up to \$1,000.00, the suspension of driving privileges for one (1) year and/or alcohol evaluations.

Laws Governing the Use of Drugs

Note: This listing is not intended to be a comprehensive listing and is not intended for legal purposes.

A. Federal Law

The Federal Government prohibits the manufacture, distribution, dispensation and possession of controlled substances unless specifically permitted by statute. The government categorizes controlled substances according to Schedules I through V.

Schedule I drugs have a high potential for abuse, with no accepted medical use. Schedule I drugs include, but are not limited to, heroin, marijuana, hashish, LSD and other hallucinogens. Schedule II drugs have a high potential for abuse, but some medical use, and include opium, morphine, codeine, barbiturates, cocaine and its derivatives, amphetamines, phencyclidine (PCP) and other narcotics. Schedule III, Schedule IV and Schedule V drugs have some potential for abuse, but less than Schedule I and II drugs, with Schedule III drugs having the most potential for abuse and Schedule V the least. Schedule III, IV and V drugs include chloral hydrate (IV), certain barbiturates (III and IV), benzodiazines (IV), gluthethimide (III), other depressants and narcotics (III and IV), amphetamines (III) and other stimulants (III and IV). A complete listing of controlled substances and their classifications are contained in Title 21 of the United States Code at Section 812.

Penalties for the unauthorized possession, manufacture, sale, distribution or delivery of drugs varies according to the type and quantity of the drug, the existence of prior offenses and whether death or serious bodily injury results from the drug involved.

1. Schedule I and Schedule II Drugs

The federal penalty for the manufacture, sale or distribution of small amounts of Schedule I and II drugs, for the first offense, is from five (5) to forty (40) years imprisonment and/or not more than a \$2,000,000.00 fine for an individual (where death or serious injury occurs, not less than 20 years imprisonment and not more than life imprisonment); for a second offense, not less than ten (10) years imprisonment and not less than life and/or a fine of not less than \$4,000,000.00 for an individual (where death of serious injury occurs, not less than life imprisonment).

Penalties are doubled in many cases for the manufacture, sale or distribution of larger amounts of Schedule I and II drugs.

2. Schedule III, IV and V Drugs

The federal penalty for the manufacture, distribution or sale of Schedule III, IV and V drugs of any quantity is:

Schedule III Drugs: not more than five (5) years imprisonment and/or a \$250,000.00 fine for a first offense; penalty is doubled for a second offense.

Schedule IV Drugs: not more than three (3) years imprisonment and/or a \$250,000.00 fine for a first offense; penalty is doubled for a second offense.

Schedule V Drugs: not more than one (1) year imprisonment and/or a \$100,000.00 fine for a first offense; penalty is doubled for a second offense.

3. Marijuana, Hashish and Their Derivatives

Federal law provides separate penalties for the manufacture, sale or distribution of marijuana, hashish or their derivatives. Penalties vary according to the quantity involved, the existence of a prior offense and whether death or serious injury results. For a first offense involving small amounts (less than 50 kilograms of marijuana; less than 10 kilograms of hashish), the penalty includes not more than five (5) years imprisonment and/or a \$250,000.00 fine for an individual. Penalties are doubled for second offenses. For larger quantities (between 50-100 kilograms of marijuana; between 10-100 kilograms of hashish), the penalty includes not more than twenty (20) years imprisonment and/or a fine of \$1,000,000.00. Penalties are increased for second offenses. Where death or serious injury results, penalties are increased to include not less than twenty (20) years imprisonment and not more than life for a first-time offender, and not less than life imprisonment for a second-time offender.

4. Possession of Controlled Substances

In addition to the manufacture, distribution or sale of controlled substances, federal law prohibits the unauthorized possession of controlled substances. Penalties for simple possession include up to one (1) year imprisonment and/or at least a \$1,000.00 fine (but less than \$10,000.00) for a first offense; up to two (2) years imprisonment and/or at least a \$2,500.00 fine (but less than \$250,000.00) for a second offense; and up to three (3) years imprisonment and/or at least a \$5,000.00 fine (but less than \$250,000.00) for subsequent offenses. Enhanced sentencing provisions apply to the possession of crack cocaine.

5. Enhanced Penalties

Enhanced penalties apply to the sale or distribution of controlled substances to persons under the age of twenty-one (21) or within 1,000 feet of school, college or university property.

B. Idaho State Law

The State of Idaho also imposes penalties for the possession, sale or delivery of controlled substances. Idaho classifies controlled substances according to Schedules I through V consistent with federal law. In addition, Idaho classifies volatile nitrites as Schedule VI drugs. Unlike federal law, which classifies penalties according to the type and quantity of controlled substance involved, penalties under Idaho law vary according to the type of activity involved.

An extensive, comprehensive list of the drugs and their classifications under Idaho law can be found in Article I of Chapter 27 of Title 37 of the Idaho Code, commonly known as the Idaho Uniform Controlled Substances Act, which is available at <http://www3.state.id.us/idstat/TOC/idstTOC.html>.

1. One who manufactures or delivers, or possesses with the intent to manufacture or deliver, a controlled substance is subject to the following penalties:
 - a) Schedule I narcotics and Schedule II drugs – a felony punishable by a term of imprisonment not to exceed life imprisonment and/or a fine of up to \$25,000.00;
 - b) Schedule I non-narcotics and Schedule III drugs – a felony punishable by a term of imprisonment not to exceed five (5) years and/or a fine of up to \$15,000.00;
 - c) Schedule IV drugs – a felony punishable by a term of imprisonment not to exceed three (3) years and/or a fine of up to \$10,000.00;
 - d) Schedule V and VI drugs – a misdemeanor punishable by a term of imprisonment not to exceed one (1) year and/or a fine of up to \$5,000.00.

2. One who possesses a controlled substance is subject to the following penalties:
 - a) Schedule I narcotics and Schedule II drugs – a felony punishable by a term of imprisonment not to exceed seven (7) years and/or a fine of up to \$15,000.00;
 - b) Lysergic acid diethylamide (LSD) – a felony punishable by a term of imprisonment not to exceed three (3) years and/or a fine of up to \$5,000.00;
 - c) Schedule I non-narcotics and Schedule III, IV, V or VI drugs – a misdemeanor punishable by a term of imprisonment not to exceed one (1) year and/or a fine of up to \$1,000.00.
3. One who is present at or on premises where he knows illegal controlled substances are being manufactured or cultivated is guilty of a misdemeanor punishable by a term of imprisonment not to exceed ninety (90) days and/or a fine not to exceed \$300.00.
4. One who possesses marijuana or its derivatives in excess of three (3) ounces is guilty of a felony punishable by a term of imprisonment of not more than five (5) years and/or a fine of not more than \$10,000.00.
5. One who possesses with intent to use drug paraphernalia to introduce an illegal controlled substance into the body is guilty of a misdemeanor punishable by a term of imprisonment not to exceed one (1) year and/or a fine not to exceed \$1,000.00.
6. One who delivers, possesses with intent to deliver or manufactures with intent to deliver drug paraphernalia knowing it will be used to introduce an illegal controlled substance into the body is guilty of a felony punishable by up to nine (9) years' imprisonment and/or a fine of up to \$30,000.00.

Federal penalties and sanctions for illegal possession of a controlled substance include the following:

First Conviction Up to one year in prison, fine of \$1,000 to \$100,000, or both

Second Conviction At least 15 days and up to two years imprisonment, \$5,000 to \$250,000 fine, or both

After Two Drug Convictions At least 90 days and up to three years in prison, \$5,000 to \$250,000 fine, or both. Special federal sentencing provisions for possession of crack cocaine include a mandatory prison term of at least five years and up to 20 years, fine of up to \$250,000, or both, for a first conviction if the amount of crack exceeds five grams, for a second conviction if amount exceeds three grams, and for a third or subsequent conviction if the amount exceeds one gram.

Additional federal sanctions may also apply including forfeiture of vehicles used to transport controlled substances, denial of federal benefits including student loans, grants, and contracts, and denial or revocation of certain federal licenses and benefits.

The application of law and penalties vary from case to case depending on circumstances. The preceding information is not to be relied on as legal advice. Always consult a qualified attorney for legal advice.

Convictions for Drug-Related Offenses

Any student convicted of any drug-related criminal statute must notify the dean of academic affairs, in writing, no later than five (5) days after such conviction regardless of where the offense occurred. This is because under federal and state laws, any student convicted of a drug-related felony offense must be denied all federal and state assistance, including Pell Grants, and CAP grants. However, a criminal conviction shall not be necessary to find that a student has violated these standards of conduct, and

Brown Mackie College — Boise need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

Danger Signals Indicating a Drug or Alcohol Problem

Following is a listing of classic danger signals that may indicate the presence of a drug or alcohol problem:

- Abrupt changes in mood or attitude
- Decreased efficiency at work or at school
- Frequent absences, tardiness, and/or early departures
- Relationship problems with family, friends, and co-workers
- Unusual outbursts of anger and hostility
- Social withdrawal

Advising

If you observe any of these changes in yourself or another student, you are encouraged to talk with faculty or staff member.

Abuse of alcohol or drugs can lead to dependency and addiction, with serious consequences for personal health and overall quality of life. There are drug and alcohol counseling, treatment, and rehabilitation facilities available in our area where students and employees may seek advice and treatment. The student advisor staff or a faculty member will refer you to one that meets your needs.

Boise Area Resources

There are also organizations that may be contacted for help.

Narcotics Anonymous

1-208-338-4880

Help Line Pager 208-442-2220 (High Desert)

Help Line Pager 541-881-3314/1-888-768-6887 (Ontario)

Idaho Suicide Prevention Hotline

1-800-564-2120

National Suicide Prevention Lifeline

1-800-273-TALK

Boise Regional Mental Health Services

(208) 334-0808

1-800-600-6474

National Sexual Assault Hotline

(800) 656-HOPE

Alcoholics Anonymous

Twin Falls Idaho AA Answering Service

1-208-733-8300

A list of emergency and sliding-fee scale resources is available from the student advisor.