

## **DRUG AND ALCOHOL POLICIES**



BROWN MACKIE COLLEGE  
TULSA<sup>SM</sup>

## **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 — Tulsa or in facilities controlled by Brown Mackie College — Tulsa are prohibited by College regulations and are incompatible with the Brown Mackie College — Tulsa 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 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 — Tulsa 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.

### *Health 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

### **Deliriants (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*

### **The College Sanctions**

The College, in all of its actions, seeks to uphold local, state, and federal laws. Insofar as permitted by these laws, the College 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 College 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.

### **State and Federal Sanctions**

#### *State Sanctions*

##### **Oklahoma Law**

###### A. City of Tulsa Municipal Law

###### 1. Public Intoxication – Tulsa Penal Code § 700

It is unlawful for any person to drink intoxicating liquor containing more than 3.2% alcohol by weight in a public place, to be drunk or intoxicated in a public place or to be drunk or intoxicated and disturb the peace. This offense is punishable by a fine of not more than \$ 200.00.

###### 2. Possession of Alcohol by a Minor – Tulsa Penal Code § 902

Anyone possessing an intoxicating alcoholic beverage in public is guilty of a misdemeanor punishable by a fine of not more than \$100.00 and/or imprisonment in the county jail for a period of not more than thirty (30) days.

###### B. Oklahoma State Law

###### 1. Public Intoxication – 37 Okla. State § 8

A person who is drunk or intoxicated and disturbs the peace of any person is guilty of a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$100.00, or imprisonment of not less than five (5) not more than thirty (30) days, or both.

###### 2. Possession of Alcohol by a Minor in Public – 21 Okla. Stat. § 1215

It is unlawful for any person under twenty-one (21) years of age to possess any intoxicating beverage containing more than 3.2% alcohol by weight and more than ½ of 1% of alcohol by volume while upon any public street, road, highway or in any public building or place. Violators are subject to a fine not to exceed \$100,000, or imprisonment not to exceed thirty (30) days, or both.

###### 3. Consumption or Possession of Alcohol by a Minor – 37 Okla. Stat. § 246

A minor who consumes or possesses with the intent to consume alcohol is guilty of a misdemeanor and, for a first offense, is subject to a fine not to exceed \$300.00, or the performance of community service not to exceed thirty (30) hours, or both, in addition to suspension of one's driver's license. The punishments for subsequent offenses increase with each other.

###### 4. Driving Under the Influence of Alcohol – 47 Okla. Stat. § 11-902

It is a misdemeanor to drive, operate or be in physical control of a motor vehicle where the alcohol concentration in such person's blood or breath is 0.08% or more. Penalties for a first offense include: imprisonment for a period not less than ten (10) days or more than one (1) year and a fine of not more than \$1,000.00.

## 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), glutethimide (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 is 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 quality of drug, the existence of prior offenses and whether death or serious 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 more than life and/or a fine of not less than \$ 4,000,000.00 for an individual (where death or 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 Drug:** 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 Drug:** 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 Drug:** not more than one (1) year imprisonment and/or a \$100,000.00 fine; 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 offense. 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. Oklahoma State Law**

The State of Oklahoma also imposes penalties for the possession, sale or delivery of controlled substances. Oklahoma classifies controlled substances according to Schedule I through V consistent with federal law. Unlike federal law, which classifies penalties according to the type and quantity of controlled substance involved, penalties under Oklahoma law vary according to the type of activity involved.

*An extensive comprehensive list of the drugs and their classifications under Oklahoma law can be found in Chapter 2 of Title 63 of the Oklahoma Statutes, commonly known as the Oklahoma Uniform Controlled Dangerous Substances Act, which is available at <http://www/lsb.state.ok.us>.*

1. One who distributes, dispenses, transports with the intent to distribute or dispense, or possesses with the intent to manufacture, distribute or dispense a controlled substance is subject to the following penalties:
  - a. Schedule I and II narcotic drugs, and LSD – a felony punishable by a prison term not exceeding five (5) years and/or a fine of up to \$100,000.00;
  - b. Any other Schedule I, II, III or IV drugs – a felony punishable by a prison term not exceeding two (2) years and/or a fine of up to \$20,000.00;
  - c. Schedule V drugs – a felony punishable by a prison term not exceeding one (1) year and/or a fine of up to \$1,000.00 (a second conviction regarding Schedule V drugs carries with it a prison term of five (5) years and/or a fine of up to \$5,000.00).

2. One who knowingly or intentionally possesses or purchases a controlled substance is subject to the following penalties:
  - a. Schedule I and II drugs, other than marijuana – a felony punishable by a term of imprisonment of not less than two (2) years nor more than ten (10) years and a fine of \$100.00 (second and subsequent convictions carry prison terms of four (4) to twenty (20) years);
  - b. Schedule III, IV and V drugs, along with marijuana – a felony punishable by term of imprisonment of not more than one (1) year and fine of \$100.00 (second and subsequent convictions carry prison terms of between two (2) and ten (10) years); and
  - c. For any such offense occurring within 1,000 feet of school property (including colleges and universities), the penalties are automatically doubled (second and subsequent convictions occurring within 1,000 of school property result in tripled penalties).
3. One who sells, delivers, possesses or manufactures drug paraphernalia for the ingestion of a controlled substance is guilty of a misdemeanor punishable by a jail term not to exceed one (1) year and/or a fine of up to \$1,000.00 for a first offense, with second and third convictions carrying fines of up to \$5,000.00 and \$10,000.00 respectively, in addition to the jail terms noted above (an adult who sells or delivers paraphernalia to a minor, however, is guilty of a felony).

### **Federal**

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 3rd or subsequent conviction if the amount exceeds 1 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 James Fountain, 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 — Tulsa need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

### *Danger Signals Indication 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.

### *Tulsa Area Resources*

These organizations may be contacted for help.

#### Narcotics Anonymous

(918) 747-0017 - Inside Tulsa Area

(888) 749-0017 - Outside Tulsa Area

#### National Sexual Assault Hotline

(800) 656-HOPE

#### Addiction Services & Suicide Hotline

Tulsa Helpline

PO Box 52847

Tulsa, OK 74152

(918) 838-0195

[Crisis Line] (918) 836-4357

#### Alcoholics Anonymous

Central Service Office

Northeast Central Services

4936 East 49th St.

Tulsa OK 74135

(918) 627-2224

Call for meeting times and locations.

The National Institute on Drug Abuse Hotline (1-800-662-4357) is available from 8:00 a.m. to 2:00 a.m., Monday through Friday and from 11:00 a.m. to 2:00 a.m. on weekends.

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