



Eastern Oregon University
Department: Student Services
Submitted By: Director of Student Relations
Policy/Procedure: EOU Policy on Alcohol and Other Drugs

.100 POLICY STATEMENT

The Drug-Free Schools and Communities Act Amendments of 1989, in a provision codified at 20 U.S.C. § 1011i, requires Eastern Oregon University (EOU) to inform students, faculty, and staff of the University's standards and sanctions, programs available, health risks associated with, and possible civil penalties involved with the use/abuse of illegal drugs and alcohol. It also requires EOU to report statistics on drug and alcohol-related violations upon request as part of a biennial review requirement. In addition, the Drug-Free Workplace Act of 1988, in a provision codified at 41 U.S.C. 8103, requires employers receiving federal grant funds to notify employees of employer policies and sanctions related to maintaining a drug-free workplace. This EOU policy is adopted in compliance with these federal laws. You may contact any of the following places on campus for more detailed information concerning any aspect of this document: Student Services, the Student Health and Counseling Centers, Residence Life, Campus Security, and the Human Resources Office.

.110 POLICY RATIONALE

EOU prohibits the use, possession, manufacture and distribution of drugs and alcohol by any student or employee on its property or as part of any of its activities that is unlawful or in contravention of other published EOU policies. Students who violate published EOU policy are subject to campus disciplinary action and/or referral to law enforcement agencies (see Appendix for other relevant policies).

Although Oregon state law permits the use of recreational and medical marijuana (i.e., use by persons possessing lawfully issued medical marijuana cards), **federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions who are recipients of federal funds.** The use, possession, or cultivation of **marijuana for recreational or medical purposes** is therefore **not allowed** in any Eastern Oregon University housing or any other Eastern Oregon University property; nor is it permitted at any University sponsored event or activity off campus.

- Recreational marijuana is for personal use for adults 21 years of age or older.

- Medical marijuana is defined by ORS 475.300. Medical marijuana is for patients with qualifying medical conditions.

.120 HEALTH RISKS

Illicit drug use and the abuse of alcohol have numerous physical, emotional, psychological, and social consequences. Some obvious risks include acute and chronic health problems, legal problems, injury to others (while under the influence), and devastating effects to family and friends. Some less obvious consequences include poor academic/poor job performance, higher risk for unwanted sexual activity, and jeopardizing future career prospects (e.g., admission to graduate school or military service, acceptance into study abroad programs, employment with the federal government).

.130 UNIVERSITY SANCTIONS

Students or employees who use drugs or alcohol unlawfully or in contravention of published EOU policy and collective bargaining agreements (CBA) are subject to university sanctions that may include but are not limited to:

- Students: probation, suspension, or dismissal. The level of sanction will be based on the seriousness of the violation, the effect of the conduct on the community, and the probability of recidivism. The minimum sanction for illegal sale or distribution of drugs normally includes expulsion and referral to local law enforcement for investigation and potential prosecution. Referral to treatment programs will be mandated when appropriate.
- Employees: verbal or written reprimands, suspension with or without pay, or termination. The level of discipline will be based on the seriousness of the violation.

.140 STATE OF OREGON SANCTIONS

SUBSTANCE-SPECIFIC SANCTIONS

Alcohol

Minor in Possession (MIP): The legal drinking age in Oregon is 21. If you are under 21, it is illegal for you to

1. attempt to purchase, or to acquire alcoholic beverages;
2. have personal possession of alcoholic beverages, including accepting any gift, or consuming alcohol that belongs to someone else;
3. enter or attempt to enter any portion or licensed premises posted or otherwise identified as prohibited use by minors. Penalty: Fine of up to \$250.

Minors under the age of 18 who are convicted of any crime involving the possession, use, or abuse of alcohol or controlled substances will lose their driver's license for one year for the first offense and two years for a second offense. Unlicensed minors who are convicted will lose their right to apply for a license for one year or until the age of 17, whichever is longer.

Identification: It is illegal to

1. loan your ID to someone else;
2. attempt to use ID belonging to someone else or attempt to use falsified ID;
3. make a written statement of age that is false when applying for ID or in trying to enter a bar.

Penalty: Fine of up to \$2,500 and up to one year in jail.

Furnishing to a Minor: It is illegal to furnish or make alcohol available to a minor in any fashion, including selling or collecting party donations. Parents or legal guardians may provide alcohol to their own minor children in a private residence. Penalty: First offense, fine of \$350; second offense, fine of \$1,000; third offense, fine of \$1,000 and not less than 30 days in jail. These are minimum penalties that the judge cannot reduce. Maximum penalty is a fine of up to \$2,500 and up to one year in jail.

Furnishing to an Intoxicated Person: A dispenser of alcohol, including the host or hostess of a party, may be sued if it is shown that excessive amounts were negligently served. If negligent abuse of alcohol is shown to have contributed to a criminal offense or accident, civil damages may be imposed upon the dispenser. Penalty: Maximum criminal penalty, \$2,500 fine plus one year in jail. Civil penalties determined by court.

Driving Under the Influence of Intoxicants (DUII): You may be found guilty of DUII if you drive a vehicle while you have 0.08 percent or higher blood alcohol level shown by chemical analysis of your breath, blood, or saliva, or are demonstrably impaired by alcohol and/or another intoxicating drug. If you are arrested for DUII and refuse to take a breath test or fail it, your driver's license will be immediately seized and it will be suspended for one full year. Penalty: For first offense that does not involve injury to others, violator may apply for diversion from the courts to a counseling program or traffic safety school. Drivers under 21 years of age will lose their license for 90 days if found to have consumed any alcohol while driving, for one year if a test of blood alcohol level exceeds .08%. If tried and convicted, a first offense requires a minimum penalty of either 48 hours in jail or 80 hours of community service, plus up to \$2,500 in fines, one year's suspended driver's license and mandated alcohol/drug evaluation and treatment or education. Second convictions result in loss of license for three years if committed within five years of the first DUII.

Open Container: Drinking alcohol or having an open bottle in a vehicle is prohibited.

You must store any open containers of alcohol in the trunk or some other area not normally occupied by the driver or passengers. Penalty: Maximum fine of \$250.

Marijuana

Delivery for Payment: Penalty: Up to 10 years in jail and up to \$100,000 fine plus twice the value of any resulting gain of property or money.

Delivery not for Payment: Penalty: For less than one ounce, up to one year in jail and up to \$2,500 fine; for less than 5 grams, fine of \$500 to \$1,000.

Possession: Penalty: For less than one ounce, fine of \$500 to \$1,000 plus twice the value of any resulting gain of property or money.

Other Controlled Substances

Oregon defines a "controlled substance" as "a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035." Penalties for possession and distribution are determined by the Controlled Substance Schedule upon which the drug appears.

Examples from the Controlled Substance Schedules appear below:

Schedule I Drugs: Heroin, LSD, Ecstasy, Peyote, Mescaline, Psilocybin	
Manufacture or distribution: <i>Class B felony</i>	Unlawful possession: <i>Class B felony</i>
Schedule II Drugs: Opium, Cocaine, Methamphetamine, Amphetamine, PCP	
Manufacture or distribution: <i>Class B felony</i>	Unlawful possession: <i>Class C felony</i>
Schedule III Drugs: Depressants, Vicodin, Anabolic Steroids, Codeine, Testosterone	
Manufacture or distribution: <i>Class C felony</i>	Unlawful possession: <i>Class A misdemeanor</i>
Schedule IV Drugs: Valium, Xanax, Phenobarbital	
Manufacture or distribution: <i>Class B felony</i>	Unlawful possession: <i>Class C misdemeanor</i>
Schedule V Drugs: Other less dangerous prescription drugs and small amounts of certain drugs	
Manufacture or distribution: <i>Class C misdemeanor</i>	Unlawful possession: <i>Violation</i>

Penalties are increased for such factors as delivery of controlled substances to a minor, causing the death of a person, activity involving large amounts or controlled substances, or conducting drug business in the vicinity of a school. For example, it is a Class A felony for a person to manufacture or deliver a schedule I, II, or III controlled substance within 1,000 feet of the real property comprising a public or private elementary, vocational or secondary school attended by minors. In addition, the court may order the defendant to pay the cost of prosecution, and the defendant's vehicle used in the crime may be forfeited to the state. Finally, the defendant may forfeit any property used in the crime to the county in which the crime occurred. Related crimes include such things as causing a person to ingest a controlled substance without their consent, or applying a controlled substance to the body of a minor. (ORS 475.005(6),

475.035, 475.752, ORS 475.808 and 475.812 (and similar statutes), ORS 475.906, 475.908, and ORS 475.910.

DEFINITIONS FOR OREGON SANCTIONS

Offense

Under Oregon law, an offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime or a violation. (*ORS 161.505*)

Violation

An offense is a violation if any of the following apply:

1. The offense is designated as a violation in the statute defining the offense.
2. The statute prescribing the penalty for the offense provides that the offense is punishable by a fine but does not provide that the offense is punishable by a term of imprisonment. The statute may provide for punishment in addition to a fine as long as the punishment does not include a term of imprisonment.
3. The offense is created by an ordinance of a county, city, district or other political subdivision of this state with authority to create offenses, and the ordinance provides that violation of the ordinance is punishable by a fine but does not provide that the offense is punishable by a term of imprisonment.
4. The prosecuting attorney has elected to treat the offense as a violation for purposes of a particular case.
5. The court has elected to treat the offense as a violation for purposes of a particular case.
6. The penalty for committing a violation is a fine. The law creating a violation may impose other penalties in addition to a fine but may not impose a term of imprisonment. Violations are classified for the purpose of sentencing into the following categories:
 - a. Class A violations: Up to \$2,000
 - b. Class B violations: Up to \$1,000
 - c. Class C violations: Up to \$500
 - d. Class D violations: Up to \$250
 - e. Unclassified violations
 - f. Specific fine violations (*ORS 153.008, 153.012, 153.015, 153.018*)

Crime

A crime is an offense for which a sentence of imprisonment is authorized. A crime is either a felony or a misdemeanor. (*ORS 161.515*)

Misdemeanor

A crime is a misdemeanor if it is so designated in any statute of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year. There may also be crime-specific penalties provided in the statute defining the crime.

- Class A misdemeanor: Up to 1 year and \$6,250, or twice the value of resulting gain of property or money
- Class B misdemeanor: Up to 6 months and \$2,500, or twice the value of resulting gain of property or money
- Class C misdemeanor: Up to 30 days and \$1,250, or twice the value of resulting gain of property or money
- Unclassified Misdemeanors (*ORS 161.545, 161.635, 161.615*)

Felony

A crime is a felony if it is so designated in any statute of this state or if a person convicted under a statute of this state may be sentenced to a maximum term of imprisonment of more than a year. There may also be crime-specific penalties provided in the statute defining the crime.

- Class A felony: Up to 20 years and \$375,000, or twice the value of resulting gain of property or money
- Class B felony: Up to 10 years and \$250,000, or twice the value of resulting gain of property or money
- Class C felony: Up to 5 years and \$125,000, or twice the value of resulting gain of property or money
- Unclassified Felonies (*ORS 161.525, 161.625, 161.605*)

.150 FEDERAL SANCTIONS

The federal system establishes sanctions for possession and distribution of controlled substances based on the schedule of the drug and the amount involved. However, in addition, the statutory sanctions for possession and distribution are subject to the "Sentencing Guidelines for U.S. Courts." Imposition of the guidelines may lead to higher offense levels and, thus, stricter penalties than otherwise indicated. Courts must make adjustments in the offense level for victim-related considerations, defendant's role in the offense, multiple counts, obstruction and acceptance of responsibility. Finally, the guidelines establish sentences for each offense based on the defendant's criminal history. Federal penal sanctions range from: manufacture, distribution or trafficking of large amounts of heroin, cocaine, PCP, methamphetamine, Schedule I and II hallucinogens, marijuana, hashish, or any of their derivatives (30 years to life,

regardless of the defendant's criminal history) to Possession of any Schedule III-V drug if defendant has lowest level or criminal history (0-4 months).

Further, if serious injury or death results from the crime, minimums of up to 10 years (serious injury) and 20 years (death), plus fines of up to \$4,000,000 maybe added. These penalties may be doubled for defendants with past felony drug convictions. Finally, penal sanctions in the federal system are "real time," with reductions in sentences only for good behavior.

Besides the criminal sanctions, the consequences of unlawful or irresponsible alcohol or drug use include, but are not limited to:

1. Restrictions on future employment opportunities.
2. The loss of Federal Financial Aid (Mandatory for Drug Offenses)
3. Potential risks for injury, including permanent disability
4. The risk of being a victim of a crime and / or committing additional crime(s)
5. The loss of driving privileges
6. Additional sanctions on your educational record and future educational opportunities

In the event of a conflict between federal law and state law, federal law controls.

Any student convicted of violating a criminal drug statute on EOU owned property or during any University sponsored event/function must notify the Director of Financial Aid, if that student is receiving any form of federal financial aid (e.g., Pell grants). The Director of Financial Aid will then notify the Secretary of the United States Department of Education. Conviction on any drug-related charge is grounds for forfeiture of federal financial aid.

.160 TREATMENT AND SUPPORT SERVICE

- Students: The EOU Student Health Center and the EOU Counseling Center can provide confidential treatment options, consultation, and/or referral to students with problems or concerns related to alcohol and other drug use.
- Employees: EOU employees may utilize the Employee Assistance Program (EAP) to seek confidential counseling. EAP services, through Cascade Centers, may be accessed by calling 1-800-433-2320. The EAP can provide confidential

treatment options, consultation, and/or referral to employees with problems or concerns related to alcohol and other drug use.

.170 Review and Revision of Policy

The Division of Student Services and Human Resources are responsible for a biennial review of this policy.

.180 Internal Control Considerations

Not Applicable

.190 Policy Retention, Access and Copies

This policy can be accessed on the Student Handbook website, the Human Resources website and the Policies and Procedures Manual for Eastern Oregon University. Students, faculty, and staff may also request a copy of this policy in an alternative format from the Office of Student Relations or Human Resources.

.200 Approval History

Immediate revisions as a result of Oregon law revisions to marijuana policy and the inclusion of the policy into the 2014 Annual Campus Security and Fire Report were made September 2015.

This revision amends and combines the Student Alcohol and Other Drug Policy (approved 4/15/2013), the Employee Alcohol and Other Drug Policy (approved 10/14/14), and the Medical Marijuana Policy (approved 3/19/2012).

Approved by President's Staff on September 15, 2015.

Appendix

EOU Tailgating Policy - <http://www.eou.edu/sse/student-handbook/>

EOU Student Code of Conduct - <http://www.eou.edu/sse/student-handbook/>

EOU Housing Contract - <http://www.eou.edu/reslife/contract-policies/>

EOU Athletics Handbook – <http://www.eousports.com/> (under Student Athletes tab)

EOU Club and Organization Manual - <https://orgsync.com/21911/files/274728/download>