

DRUG AND ALCOHOL POLICIES



BROWN MACKIE COLLEGE
SAN ANTONIOSM

Alcohol/Drug Possession, Usage, and Distribution Policy

Drug-Free Workplace and College

The use of illegal drugs and the abuse of alcohol at the College or in facilities controlled by the College are prohibited by College regulations and are incompatible with the College's 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 the College 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

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

Texas Law

I. Criminal Penalties:

- A **Class C misdemeanor** is punishable by a fine not to exceed \$500.
- A **Class B misdemeanor** is punishable by a fine not to exceed \$2000; confinement in jail for a term not to exceed 180 days; or both fine and confinement.
- A **Class A misdemeanor** is punishable by a fine not to exceed \$4000; confinement in jail for a term not to exceed one year; or both fine and confinement.
- A **state jail felony** is punishable by confinement in a state jail for any term of not more than 2 years or less than 180 days and by a fine not to exceed \$10,000.
- A **3rd degree felony** is punishable by imprisonment for any term of not more than 10 years or less than 2 years and a fine not to exceed \$10,000.
- A **2nd degree felony** is punishable by imprisonment for any term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.
- A **1st degree felony** is punishable by imprisonment for life or for any term of not more than 99 years or less than 5 years and a fine not to exceed \$10,000.

II. Offenses:

A. Offense of manufacture or delivery of controlled substances

- *Sections 481.112, 481.1121, 481.113, and 481.114*, Texas Health and Safety Code, which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.
- *Section 481.112* Texas Health and Safety Code, deals with the Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 200 grams is a 1st degree felony; more than 200 grams and less than 400 grams is a life imprisonment or a term of 10 to 99 years and up to a \$250,000 fine.
- *Section 481.1121*, Texas Health and Safety Code, deals with Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 2nd degree felony; number of abuse units more than 80 and less than 4000 is a 1st degree; more than 4000 units is life imprisonment or a term of 15 to 19 years and up to a \$250,000.
- *Section 481.113*, Texas Health and Safety Code, deals with Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.
- *Section 481.114*, Texas Health and Safety Code, deals with Penalty Group 3 and 4 drug offenses: less than 28 grams is a state felony; more than 28 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is a life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

B. Offense of Possession of Controlled Substances

• *Sections 481.115, 481.116, 481.117, 481.118, Texas Health and Safety Code* which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.

• *Section 481.115, Texas Health and Safety Code*, deals with Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

• *Section 481.1151, Texas Health and Safety Code*, deals with Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felon; number of abuse units more than 20 and less than 80 is a 3rd degree felony; number of abuse units more than 80 and less than 4000 is a 2nd degree felony; more than 4000 units and less than 8000 units is a 1st degree felony; and more than 8000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

• *Section 481.116, Texas Health and Safety Code*, deals with the Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

• *Section 481.117, Texas Health and Safety Code*, deals with Penalty Group 3 drug offenses: less than 28 grams is a Class A misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 9 years and up to a \$50,000 fine.

• *Section 481.118, Texas Health and Safety Code*, deals with Penalty Group 4 drug offenses: less than 28 grams is a Class B misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; more than 400 grams is life imprisonment or a term of 5 to 99 years and up to \$50,000 fine.

C. Offense of Delivery of Marijuana

• *Section 481.120, Texas Health and Safety Code*, deals with delivery of marijuana offenses: less than one quarter ounce is a Class B misdemeanor if delivery is for compensation; more than one quarter ounce and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 2nd degree felony; more than 50 pounds and less than 2000 pounds is a 1st degree felony; and more than 2000 pounds is life imprisonment or a term of 10 to 99 years and a fine not to exceed \$100,000.

D. Offense of Possession of Marijuana

• *Section 481.121, Texas Health and Safety Code*, deals with possession of marijuana offenses: less than 2 oz. is a Class B misdemeanor; more than 2 oz. and less than 4 oz. is a Class A misdemeanor; more than 4 oz. and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 3rd degree felony; more than 50 pounds and less than 2000 pounds is a 2nd degree felony; and more than 2000 pounds is life imprisonment or a term of 5 to 99 years and a fine not to exceed \$50,000.

E. Offense of Delivery of Controlled Substance or Marijuana to Minor

• *Sections 481.122, Texas Health and Safety Code*, deals with the offense of the de-livery a controlled substance or marijuana to a minor (17 years of age or younger) and provides that the offense is a 2nd degree felony punishable by imprisonment for a term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.

F. Offense of Driving while Intoxicated (drugs or alcohol)

• *Sections 49.04, 49.09*, Texas Penal Code, provide that the offense of driving while intoxicated is punishable as a Class B misdemeanor with a minimum of term of confinement of 72 hours unless the driver had an open container of alcohol in his possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of six days in jail. One prior conviction enhances the punishment to a Class A misdemeanor with a minimum term of confinement of 30 days; two prior convictions enhances the punishment to a 3rd degree felony.

G. Offense of Consumption or Possession of Alcohol in Motor Vehicle

• *Section 49.03*, Texas Penal Code, provides that the penalty for the offense of consumption of an alcoholic beverage while operating a motor vehicle in a public place is a Class C misdemeanor.

H. Offense of Public Intoxication

• *Section 49.02*, Texas Penal Code, provides that the offense of public intoxication wherein a person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor-nor, unless the person is younger than 21 years old, wherein Sections 106.071 and 106.115, Texas Alcoholic Beverage Code apply, and provide for a Class C misdemeanor punishment and attendance at an alcohol awareness program, and where the offender has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

I. Offense of Purchase of Alcohol by a Minor

• *Sections 106.02, 106.071, and 106.115*, Texas Alcoholic Beverage Code, provide that the offense of the purchase of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and when the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

J. Offense of Consumption of Alcohol by a Minor

• *Sections 106.04, 106.071, and 106.115*, Texas Alcoholic Beverage Code, provide that the offense of consumption of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

K. Offense of Possession of Alcohol by a Minor

• *Sections 106.05, 106.071, and 106.155*, Texas Alcoholic Beverage Code, provide that the possession of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

L. Offense of Sale of Alcohol to a Minor

• *Section 106.03*, Texas Alcoholic Beverage Code, provides that the penalty for selling alcohol to a minor is a Class A misdemeanor.

M. Offense of Purchase of Alcohol for a Minor or Furnishing Alcohol to a Minor

• *Section 106.06*, Texas Alcoholic Beverage Code, provides that the penalty for purchasing for a minor or giving or making available an alcoholic beverage to a minor is a Class B misdemeanor.

N. Offense of Misrepresentation of Age by a Minor to Person Selling or Serving Alcoholic Beverages

• *Section 106.07, 106.071 and 106.115*, Texas Alcoholic Beverage Code, provide that the penalty for misrepresentation of age by a minor to a person selling or serving alcoholic beverages is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

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 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 the College 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.

San Antonio Area Resources

These organizations may be contacted for help.

Laurel Ridge Treatment Center

17720 Corporate Woods Dr
San Antonio, TX 78259
(210) 491-9400

Right Step

12042 Blanco Rd Ste 101
San Antonio, TX 78216
(210) 541-8400

La Hacienda Community Outreach

8600 Wurzbach Rd Ste 702
San Antonio, TX 78240
(210) 692-0001

Alcohol & Drug Treatment Assoc

701 San Pedro Ave
San Antonio, TX 78212
(210) 212-4853

National Sexual Assault Hotline

800-656-HOPE

San Antonio Treatment Center

3701 W Commerce St
San Antonio, TX 78207
(210) 434-0531

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.