

MEMORANDUM

To: All University of Utah Faculty, Staff, and Students

From: Dr. Ruth Watkins *R Watkins*
Senior Vice President for Academic Affairs

Date: August 29, 2014

Subject: University of Utah Drug and Alcohol Abuse Prevention Program

The University of Utah is dedicated to providing a safe and healthy environment for its students, faculty, and staff. The illegal use of drugs and alcohol can adversely affect the educational environment and may have devastating effects on the personal lives of those who abuse these substances. For this reason, the University of Utah is a drug-free workplace and campus.

The federal Drug-Free Schools and Campuses Act requires institutions of higher education to have a drug and alcohol abuse prevention program (DAAPP). This program must describe: 1) legal sanctions under federal, state, and local law for the unlawful use, possession, or distribution of illicit drugs and alcohol; 2) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol; 3) a description of any drug and alcohol programs that are available to employees or students; and 4) a clear statement that the school will impose disciplinary sanctions on students and employees for violations of the standards of conduct.

This memorandum distributed annually to all faculty, staff and students, describes the University's DAAPP. Please contact the Center for Student Wellness at (801) 581-7776 for additional information and resources.

Legal Sanctions: Federal, State, Local Law

Federal and Utah State laws prohibit the use of illicit drugs and actions related to the abuse of alcohol. Summarized below are the general federal and state laws relating to drugs and alcohol.

Federal Law

In 1984, the National Minimum Drinking Age Act (Public Law 98-363) was passed. For more information go to:

http://www.nhtsa.dot.gov/people/injury/alcohol/Community%20Guides%20HTML/PDFs/Public_App7.pdf

The following table summarizes the federal drug trafficking penalties. For more information about these federal penalties, go to:

www.usdoj.gov/dea:

Table of Federal Trafficking Penalties:

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999	PCP 100 grams or more pure or 1 kilogram or more mixture		

Substance/Quality	Penalty
Any Amount of other Schedule I & II Substances	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual</p>
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<p>First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount Of All Schedule V Drugs	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Federal Trafficking Penalties –Marijuana

Federal Trafficking for Marijuana, Hashish and Hashish Oil, Schedule I Substance	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual</p> <p>Second offense: Not less than 20yrs., or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p>First offense: Not less than 5 yrs., or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million of other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life, imprisonment. Fine \$2 million if an individual, \$10 million of other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life, imprisonment. Fine \$2 million if an individual, \$10 million of other than an individual.</p>
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$150,000 if an individual, \$2 million if other an individual</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

State Law

Utah law prohibits the possession and distribution of controlled substances, which are defined in Utah's statutes and include such drugs as marijuana, heroin, cocaine and prescribed medications. See Utah Code Ann. § 58-37-4 for a listing of controlled substances.

In Utah, it is unlawful to produce, manufacture and/or dispense a controlled substance. Violation of this law may result in charges running from a class A misdemeanor to second degree felony depending upon the type of controlled substance and the circumstances of the crime. Utah Code Ann. § 58-37-8(1).

It is unlawful in Utah possess or use a controlled substance except pursuant to a valid prescription. Violation of this law may result in charges running from a class B misdemeanor to second degree felony depending upon the quantity of drugs within the individual's possession. Utah Code Ann. §58-37-8(2).

It is class B misdemeanor in Utah to use or possess drug paraphernalia. Utah Code Ann. § 58-37a-5.

Penalties for drug violations in Utah may include incarceration for varying periods of time and fines ranging from \$750 to \$10,000 depending upon the nature and circumstances of the offense. Utah law provides for enhanced penalties and charges if the drug violations occur on a college campus.

For more information about Utah drug laws, visit:
<http://www.le.utah.gov/UtahCode/section.jsp?code=58-37>

Utah law prohibits minors under the age of 21 from consuming alcohol. Utah Code Ann. § 32B-4-409. A violation of this law will result in the suspension of driving privileges.

It is also unlawful in Utah to sell or distribute alcohol to a minor. Utah Code Ann § 32B-4-403. Violation of this law is a class A or B misdemeanor.

For more information about Utah's alcohol laws, visit:
<http://www.le.utah.gov/UtahCode/section.jsp?code=32B-4>

Utah law prohibits driving while under the influence of alcohol. Utah Code Ann. §41-6a-503. Violations of this law may result in charges from a class B misdemeanor to a third degree felony depending upon the circumstances. Driving under the influence will also result in the suspension or revocation of a driving license.

Health Risks

The use of any illicit drug or abuse of alcohol is potentially hazardous to your health. Faculty, staff, and students should evaluate the health risks associated with use of illicit drugs or abuse of alcohol. Synthetically produced drugs may contain impurities and the true amounts and ingredients are rarely known. The effects of a drug may be significantly different with each use.

The U.S. Drug Enforcement Administration states: "The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people."

According to Ralph W. Hingson, SC.D., Professor of Social Behavioral Sciences and Associate Dean for Research at Boston University School of Public Health, "The harm that college students do to themselves and others as a result of excessive drinking exceeds what many would have expected." (<http://www.nih.gov/news/pr/apr2002/niaaa-09.htm>)

The National Institute of Alcohol Abuse & Alcoholism (NIAAA) provides comprehensive information and resources associated with alcohol abuse. Some of the major health risks of alcohol abuse include alcohol dependence, lasting effects on the brain, sexual assault, and suicide. Visit: www.niaa.nih.gov for more information. For college students in particular, visit: www.collegedrinkingprevention.gov.

Health risks associated with other drugs are indicated in the following table: (Visit <http://www.usdoj.gov/dea> for more specific drug information)

Drugs	Physical Dependence	Psychological Dependence	Possible Effects, Overdose and Withdrawal
Heroin	High	High	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea
Morphine	High		
Codeine	Moderate	Moderate	
Other Narcotics – Percodan, Darvon, Talwin, Percocet, Opium, Demerol	High-Low	High-Low	Slow and shallow breathing, clammy skin, convulsions, coma, possible death Yawning, loss of appetite, irritability, tremors, panic, craps, nausea, runny nose, chills and sweating, watery eyes
Barbiturates – Amytal, Nembutal, Phenobarbital, Pentobarbital	High-Moderate	High-Moderate	Slurred speech, disorientation, drunken behavior without odor of alcohol
Benzodiazepines – Ativan, Diazepam, Librium, Xanax, Valium, Tranxene, Versed, Halcion	Low	Low	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death Anxiety, insomnia, tremors, delirium, convulsions, possible death
Methaqualone	Moderate	Moderate	
GHB			
Rohypnol			
Other Depressants	Moderate	Moderate	
Cocaine	Possible	High	Increased alertness, increased pulse rate and blood pressure, loss of appetite, euphoria, excitation, insomnia
Amphetamine	Possible	High	
Methamphetamine	Possible	High	
Ritalin	Possible	High	
Other Stimulants	Possible	High	Agitation, increased body temperature, hallucinations, convulsions, possible death Apathy, long periods of sleep, irritability, depression, disorientation

Marijuana	Unknown	Moderate	Euphoria, relaxed inhibitions, increased appetite disorientation Fatigue, paranoia, possible psychosis Occasional reports of insomnia, hyperactivity, decreased appetite
THC, Marinol	Unknown	Moderate	
Hashish	Unknown	Moderate	
Hashish Oil	Unknown	Moderate	
LSD	None	Unknown	Illusions and hallucinations, altered perception of time and distance
Mescaline & Peyote	None	Unknown	
Psilocybin Mushrooms	None	Unknown	Longer, more intense "trip" episodes, psychosis, possible death
Ecstasy (MDMA)	Unknown	Unknown	
Phencyclidine (PCP)	Unknown	High	Unknown
Ketamine			
Other hallucinogens	None	Unknown	
Testosterone	Unknown	Unknown	
Nandrolone	Unknown	Unknown	Virilization, Testicular atrophy, acne, edema, gynecomastia, aggressive behavior Unknown Possible depression
Oxymethalone	Unknown	Unknown	

Drug and Alcohol Programs Available at the University of Utah

The University's Drug Free Workplace Policy recognizes that rehabilitation of employees and students for drug and alcohol violations is preferred to discipline. Policy 5-113(IV)(D). The University of Utah offers faculty, staff, and students a variety of alcohol and drug treatment options. Faculty and staff can contact the University's Employee Assistance Program (EAP) for information and referrals for treatment. Call the EAP at (801) 587-9391. In addition to the EAP, individual and group drug and alcohol abuse treatment are available for faculty, staff, and students through the University Counseling Center. Call the University Counseling Center at (801) 581-6826. There are also numerous treatment options available in the community. Contact the Center for Student Wellness at (801) 581-7776 or visit its website at <http://www.wellness.utah.edu> for more information.

University Discipline for Violations of Drug and Alcohol Policies

The University of Utah complies with federal and Utah state laws and penalties regarding the misuse of legal drugs (alcohol and tobacco) and use of illegal drugs. In addition to the criminal sanctions that may apply, the University of Utah will impose discipline on any employee or student who violates the University's drug and alcohol policies.

Student Policy and Discipline

University Policy 6-400 is the Code of Student Rights and Responsibilities ("Student Code"). Section III of the Student Code governs student behavior on campus. The Student Code specifically prohibits the *"Use, possession or distribution of any narcotic or other controlled substance on University*

premises, at University activities, or on premises over which the University may have supervisory responsibility pursuant to state statute or local ordinance, except as permitted by law and University regulations.” Policy 6-400, Section 3(A)(8).

The Student Code prohibits the *“Use possession or distribution of alcoholic beverages of any type on University premises except as permitted by law and University regulations.”* Policy 6-400, Section 3(A)(9).

The Student Code also prohibits the *“Violation of federal, state or local civil or criminal laws on University premises, while participating in University activities, or on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance.”* Policy 6-400, Section 3(A)(11).

Violation of the drug and alcohol provisions of the Student Code may result in one or more of the following criminal consequences and/or sanctions:

- Prosecution under federal and/or state laws as appropriate to the law violated, and/or
- Review of violation by University of Utah Student Behavior Committee with possible sanctions that may include suspension or expulsion dependent upon the nature of the offense, circumstances, and previous violations.

In addition to these sanctions, students who violate the Standards of Behavior should expect to be involved in processes indicated by the matrix below.

Since a variety of factors must be considered when sanctioning, sanctions may be increased or decreased at the discretion of university personnel responsible for administering the Student Code. Factors affecting the imposition of sanctions include such issues as the severity of the incident, impact upon other individuals or the community, and other prior judicial history. The matrix below represents examples of actions that could be or are typically taken with students who violate the student code regarding alcohol and drug use on campus. Local, state, and federal laws may also apply to alcohol and drug violations.

1st Violation	2nd Violation	3rd Violation
<ul style="list-style-type: none"> - University unit/organization-specific disciplinary action (e.g. Athletics, Greek system, Office of Housing and Residential Education) - Meeting with Dean of Students - Alcohol & Drug Education Class (with fee) - Parental notification - Legal consequences 	<ul style="list-style-type: none"> - Meeting with Dean of Students - Clinical assessment - Parental notification - Legal consequences 	<ul style="list-style-type: none"> - Meeting with Dean of Students - Parental notification - Suspension/expulsion from university - Legal consequences

Faculty and Staff Policy and Discipline

University Policy 5-113 is the University’s Drug Free Workplace Policy. This Policy provides:

- A. *It is University Policy to maintain a drug-free workplace. It shall be a violation of this policy for employees to engage in the unlawful manufacture, distribution, dispensation, possession and/or use of a controlled substance or alcohol at a university workplace, or while engaged in university business off campus.*
- B. *Any person accepting employment with the university agrees to abide by the terms of this policy and procedure.*

The University’s Code of Faculty Rights and Responsibilities (“Faculty Code”) expressly recognizes: *“Faculty members may also be subject to discipline for violation of the Drug-Free Workplace Policy (Policy 5-113) and the Field Trip Policy (Policy 10-003) in accordance with the procedures described in those policies. Policy 6-316, Section 4(8).*

Sections 5 and 6 of the Faculty Code outline the sanctions and procedures for imposing faculty discipline for violations of the Faculty Code. Discipline may include a range of sanctions including a written reprimand, suspension or dismissal. Policy 6-316, Sections 5 & 6.

Staff employees may be disciplined for violating any University policies. Utah Policy 5-111 and Rules 5-111A and 5-111B outline the process for imposing University discipline for violation of workplace policies and standards. University Rule 5-111C recognizes that violations of the Drug Free Workplace rules may pose particular risks to the University community. It defines as “egregious behavior” the *“Use, being under the influence or possession of alcohol in violation of the University's Alcohol related policies 3-192, 5-113*

and 5-114; or illegal use of drugs and/or being under the influence of illegal drugs while on University property or when engaged in University business and when such conduct poses a serious threat of harm to people, property and/or resources of the University.” Egregious behavior may result in termination upon one instance of misconduct. Rule 5-111C.

Any employee of the University who violates the Drug Free Workplace policy may be required to participate in a drug or alcohol abuse assistance or rehabilitation program approved by the director of human resources in accordance with federal law.