

## Notice to all IU South Bend Students

### U.S. Department of Education regulations regarding alcohol and drug abuse

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The Drug-Free Schools and Communities Act Amendments of 1989, enacted by Congress as Public Law 101-226, requires institutions of higher education to have a policy designed to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees or be ineligible to receive federal funds or any other form of federal financial assistance.

#### THE DRUG-FREE CAMPUS POLICY MUST CONTAIN THE FOLLOWING ELEMENTS:

- A. prohibition of unlawful possession, use, or distribution of drugs or alcohol;
- B. description of applicable legal sanctions for violation of these laws;
- C. description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- D. description of available drug or alcohol counseling, treatment, or rehabilitation programs available; and
- E. description of university sanctions that will be imposed on students for violations of the Drug-Free Campus Policy.

*All students are encouraged and cautioned to read this document which explains the above elements more fully. Address questions or comments to the associate vice chancellor for student services, Administration Building 102B, (574) 520-4273.*

#### POSSESSION OF UNLAWFUL DRUGS OR ALCOHOL

The university may discipline a student for the following acts of personal misconduct (See NOTE below):

1. Unauthorized possession or use of alcoholic beverages
  - a. The following actions are prohibited by Indiana University:
    - i. Use or possession of alcoholic beverages on university property, or in the course of a university activity or student organization activity, contrary to law.
2. Unauthorized possession or use of any drug or controlled substance
  - a. The following actions are prohibited by Indiana University:
    - i. Use or possession of drugs or controlled substances or drug paraphernalia on

university property or in the course of a university activity or student organization activity, contrary to law.

- ii. Use of university facilities to manufacture, process, or distribute any drug or controlled substance contrary to law.
- iii. Sale, gift, or transfer of drugs, controlled substances, or drug paraphernalia to Indiana University students; whether or not such sale, gift, or transfer occurs on university property or in the course of a university activity or student organization activity.

**NOTE:** Students are advised that under Indiana law, it is illegal for a minor, defined as a “person less than 21 years of age” to possess or consume alcoholic beverage. Further, it is illegal for a minor to transport alcoholic beverage (even if unopened).

#### APPLICABLE LEGAL SANCTIONS

The following information concerns the criminal penalties that can be imposed by State or Federal statute for violations related to alcohol or drug possession, use, or distribution.

All students are reminded that conviction under state and federal laws that prohibit alcohol-related and drug-related conduct can result in fines, confiscation of automobiles, and other property, and imprisonment. In addition, licenses to practice certain professions may be revoked and many employment opportunities may be barred.

It is impractical to list all the alcohol and drug-related state and federal crimes and penalties, but all persons should be aware that in Indiana, any person under 21 who possesses an alcoholic beverage, and any person who provides alcohol to such persons, is at risk of arrest. Any person who is intoxicated in public risks arrest. A person convicted of driving while intoxicated may be punished by fine, be jailed, and lose the license to drive an automobile. Any selling of alcoholic beverages without a license is illegal.

Possession or use, distribution, or manufacture of controlled substances (drugs) illegally can result in arrest and conviction of a drug violation and fines

up to \$10,000 (Indiana), fines up to \$250,000 (federal), imprisonment up to 50 years (Indiana), imprisonment for life (federal), and confiscation of property.

### **DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH ALCOHOL AND CONTROLLED SUBSTANCES (DRUGS)**

All persons should know of the health risks caused by the use of alcohol, and by the illegal use of controlled substances (drugs).

Consumption of more than two average servings of alcohol within several hours can impair coordination and reasoning enough to make driving unsafe. Consumption of alcohol by a pregnant woman could damage the unborn child. A pregnant woman should consult her physician about this risk. Regular and heavy alcohol consumption can cause serious damage to the liver, the nervous and circulatory systems, mental disorders, and other health problems. Drinking large amounts of alcohol in a short time may quickly produce unconsciousness, coma, and even death.

Use of controlled substances (drugs) can result in damage to health and impairment of the physical condition, including: impaired short-term memory or comprehension; anxiety, delusions, hallucinations; loss of appetite resulting in a general damage to the user's health over a long term; a drug-dependent newborn if the mother is a drug user during pregnancy (pregnant women who use alcohol, drugs, or who smoke should consult their physicians); AIDS, as a result of "needle sharing" among drug users; death from overdose.

The health risks associated with drugs or excessive use of alcohol are many, and are different for different drugs, but all nonprescription use of drugs, and excessive use of alcohol endangers your health. **THERE ARE NO GOOD REASONS FOR USING A DRUG THAT IS NOT PRESCRIBED BY YOUR DOCTOR OR FOR DRINKING TO EXCESS.**

### **AVAILABLE DRUG OR ALCOHOL TREATMENT**

Indiana University South Bend offers assistance for students with alcohol and/or drug related problems. Upon careful evaluation, counseling and treatment services are available at the campus's Counseling

Center, located in Administration Building 130. As warranted, referral to agencies providing more intensive treatment and or rehabilitation programs will be facilitated. A list of available community resources is available at the Student Counseling Center, the Office of Student Life, and the office of the associate vice chancellor for student services.

### **UNIVERSITY SANCTIONS FOR VIOLATIONS OF THE DRUG-FREE CAMPUS POLICY**

Violations of the provisions set forth in Paragraph (A) by the Drug-Free Campus Policy are considered "personal misconduct." The university may discipline a student for acts of personal misconduct that are not committed on university property if the acts are related to the security of the university community or the integrity of the educational process.

The associate vice chancellor for student services is authorized to impose any one or a combination of the following sanctions for acts of personal misconduct:

- A. reprimand and warning;
- B. disciplinary probation;
- C. restitution;
- D. participation in a specific program (such as drug education or counseling);
- E. provision of a specific service;
- F. suspension from Indiana University (all campuses);
- G. expulsion from Indiana University (all campuses).

Sanctions in each case are made only after a hearing and a determination of responsibility. Sanctions will vary depending upon the nature and circumstances of the offense and on the student's prior record. These standards require the usual sanction for drug dealing to be suspension or expulsion from the university.

Campus disciplinary charges and criminal charges may both be filed for the same action. Students may be subject to sanction by both the campus and by the courts for the same action.

For more complete details of these sanctions and of the hearing process, students are referred to the Indiana University *Code of Student Rights, Responsibilities, and Conduct*, which is available online at <http://www.dsa.indiana.edu/Code/>.