

Drug-Free Schools and Communities Act [EDGAR Part 86]

Student and Employee Annual Notification | 2018

At the University of Idaho (U of I) we are committed to providing an environment in which scholarship and learning can safely flourish. Therefore, the illegal possession, use, consumption, manufacture, and distribution of federally defined illegal drugs, or controlled substances, is not permitted. The U of I seeks to provide a space for individuals to make safe decisions regarding alcohol and other drugs and is dedicated to fairly imposing disciplinary sanctions befitting the violation of local, state, federal, and U of I policies that do not support this effort. Sanctions up to and including expulsion or termination of employment and referral for prosecution may be used. The following alcohol and other drug policies apply to students taking one or more credits at the U of I and university employees. It applies to all on-campus activities and off-campus activities/groups considered to be sponsored by the U of I. Separate/additional policies apply to U of I employees. Questions concerning this policy and/or alcohol and other drug programs, interventions, and policies may be directed to the Alcohol & Other Drug Program Coordinator, Madeline Brown, at aod@uidaho.edu or 208-885-2039.

The U of I strongly encourages students and employees to voluntarily obtain assistance for dependency or abuse difficulties before such behavior results in an arrest and/or disciplinary referral which might result in their separation from the institution. The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Conduct Code or staff expectations and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations. While our neighbor, the State of Washington, has legalized under the laws of the State of Washington the recreational use of marijuana, and it is therefore possible to obtain marijuana from a retail store within a few miles of U of I's Moscow campus, the possession, use, manufacture, or distribution of marijuana remains illegal under the laws of the State of Idaho and of the federal government.

Help is available both on campus and within the community for students and employees who experience drug dependence and/or abuse. The U of I Counseling and Testing Center, (208) 885-6716, and the U of I Employee Assistance Program, 800-999-1077 company code UI1, and other professional agencies will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. Vandal Health Education, (208) 885-4146, provides educational and awareness programming, information, and assistance.

Commonly Imposed Sanctions for Students

As members of the U of I community, students found in violation of these policies are subject to both the disciplinary sanctions imposed by the U of I and the criminal sanctions imposed by federal, state, and local law when applicable. The U of I provides individual case review for policy violations by students and will enforce disciplinary sanctions in a manner suited to the violation and situation.

Possible U of I sanctions for students include:

- Warning
- Probation
- Loss of Privileges
- Restitution
- Educational Sanctions
- Housing Suspension
- Housing Expulsion
- University Suspension
- University Expulsion
- Revocation of Admission/Degree
- Withholding Degree

More than one of the above sanctions may be applied to a single violation. In addition, a fee may be charged to a student account for any policy violation and parents/guardians of students under the age of 21 may be notified for alcohol and other drug violations. If the student is an employee of the U of I, additional sanctions related to their employment may be applied.

The philosophy of the student conduct process works to balance the safety and security of U of I and Moscow community members with personal accountability, reflection and growth. Students are given the opportunity to reflect on their choices, understand their impact on those around them, and use the experience as a growth opportunity.

In accordance with this philosophy, code violations do not have prescribed outcomes, however, violations concerning alcohol and other drugs do have sanctions that are typically prescribed. In the case of exacerbating circumstances, such as known past drug or alcohol abuse, rehabilitation attempts, or a required stay in the hospital, the outcome will be adjusted accordingly. The following table summarizes commonly imposed disciplinary sanctions for some of the on-campus student policy violations.

Student: Commonly Imposed Disciplinary Sanctions for On-Campus Policy Violations

Policy Violation	Typical Sanctions - 1st Offense	Typical Sanctions –2nd Offense
Underage Possession or Consumption of Alcohol	Alcohol Choices class, Warning \$150 Administrative Fee	Parental notification if under 21, BASICS Alcohol Screening, Possible Disciplinary Probation, \$150 Administrative Fee
Possession or Consumption of Marijuana for Personal Use	Marijuana Education Program (MEP), Warning \$150 Administrative Fee,	Marijuana Basics or Drug Assessment, \$150 Administrative Fee, Possible Probation
Possession of any amount of "hard" drugs (Cocaine, PCP, etc.)	Drug Assessment, \$150 Administrative Fee, Probation or Suspension	Potential additional drug assessment \$150 Administrative Fee Likely Suspension
Selling or providing drugs of any kind	\$150 Administrative Fee Probation/Suspension/Expulsion	\$150 Administrative Fee Suspension/Expulsion
Possession of Firearms or Other Dangerous Weapons	Suspension or Expulsion	Suspension or Expulsion

Arrest and prosecution for violations of criminal law or city ordinances may result from the same incident for which the U of I imposes disciplinary sanctions.

U of I Amnesty Policy

To address barriers that may prevent a student from seeking emergency medical services for themselves or another, the U of I implemented an amnesty policy in 2013. As a result, any student who seeks medical attention for alcohol or other drug consumption will not be sanctioned for violating the U of I drug and alcohol policies as long as the student meets with the Dean of Students representative and completes the recommendations provided during that meeting.

U of I Employee Disciplinary Sanctions

The unlawful manufacture, distribution, possession, or use of a controlled substance by employees on U of I premises, or while conducting U of I business off U of I premises, is prohibited. Exceptions may only be made in cases where the strict policies of a U of I Alcohol Permit and Application (APM 80.01) have been requested, submitted, approved and met.

Controlled substance violations by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, referral for prosecution, and disciplinary action up to and including termination of employment under applicable regulations, policies, agreements and contracts.

Laws Regarding Alcohol & Other Drugs

Federal Drug Laws (Compiled Summaries)

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, often including mandatory prison terms. The following information, although not complete, is an overview of federal penalties for first convictions. Penalties often double for any subsequent drug conviction(s).

Denial of Federal Aid (20 USC § 1091) Students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, professional licenses, and more. Individuals convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC § 853) Any person convicted of a federal drug offense punishable by more than one year in prison will forfeit any personal property related to the violation, including houses, cars, and other personal belongings.

Fraudulent Identification (18 USC § 1028) Any person that knowingly produces, provides, possesses, or transfers any identification document(s) or means is guilty of an offense punishable by a fine and/or up to 15 years imprisonment for a driver's license, personal identification card, or a birth certificate. Increased penalties may apply for repeat offenses, details of fraudulent use or intention, and other extenuating circumstances.

Federal Drug Possession Penalties (21 USC § 844) Persons convicted on federal charges of possessing any controlled substance face vary slightly according to substance and situation, however, the following chart summarizes the most common penalties. In addition, possession of drug paraphernalia is punishable by a minimum fine of \$750.

Federal Possession Penalties for Most Drugs			
Possession	1 st Offense	2 nd Offense	Additional Offenses
Jail Time	Up to 1 year	15 days – 2 years	90 days – 3 years
Fine	\$1,000 - \$100,000	Minimum \$2,500	Minimum \$5,000

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of 5-20 years and a minimum fine of \$1,000, or both if: (a) It is a first conviction and the amount possessed exceeds 5 grams; (b) It is a second conviction and the amount of crack possessed exceeds 3 grams; (c) It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Federal Drug Trafficking Penalties (21 USC § 841) Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are often twice as severe.

Drug Trafficking Penalty - 1st Conviction			
Substance	Amount	Prison Time	Fine
Barbiturates	Any amount	Up to 5 years	Up to \$250,000
Cocaine	≥ 5 kg	Minimum 10 years, not more than life	Up to \$4 million
	≤ 100 grams	10-63 months	Up to \$1 million
Crack Cocaine	≥ 50 grams	Minimum 10 years, not more than life	Up to \$4 million
	5-49 grams	5 - 40 years	Up to \$2 million
	≤ 5 grams	10-63 months	Up to \$1 million
Ecstasy	Any amount	Up to 20 years, 3 years supervised release	Up to \$1 million
Hashish	10-100 kg	Up to 20 years	Up to \$1 million
	≤ 10 kg	Up to 5 years	Up to \$250,000
Hash Oil	1-100 kg	Up to 20 years	Up to \$1 million
	≤ 1 kg	Up to 5 years	Up to \$250,000
Heroin	≥ 1 kg	Minimum 10 years, not more than life	Up to \$4 million
	100-999 grams	5-40 years	Up to \$2 million
	≤ 100 grams	10-63 months	Up to \$1 million
LSD/Acid	≥ 10 grams	Minimum 10 years, not more than life	Up to \$4 million
	1-10 grams	5 - 40 years	Up to \$2 million
Marijuana	≥ 1000 kg	Minimum 10 years, not more than life	Up to \$4 million
	100-999 kg	5 - 40 years	Up to \$2 million
	50-99 kg	Up to 20 years	Up to \$1 million
	≤ 50 kg	Up to 5 years	Up to \$250,000
Meth-amphetamine	≥ 50 grams	Minimum 10 years, not more than life	Up to \$4 million
	10-49 grams	5 - 40 years	Up to \$2 million
	≤ 10 grams	10-21 months	Up to \$1 million
PCP	≥ 100 grams	Minimum 10 years, not more than life	Up to \$4 million
	10-99 grams	5 - 40 years	Up to \$2 million
	≤ 10 grams	10-21 months	Up to \$1 million
Rohypnol	≤ 1 gram	Up to 20 years	Up to \$1 million
	≤ 30 mgs	Up to 5 years	Up to \$250,000

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Distribution In or Near Schools (21 USC § 860-419) Persons convicted on federal charges of drug trafficking within 1,000 feet of a college or school face penalties of prison terms and fines that are double the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

[Idaho State Drug Laws \(Compiled Summaries\)](#)

Compiled Idaho Code of Statutes and Constitution as of July 1, 2018

Dispensing to a Person Under the Age of 21 (IC § 23-603): Any person that sells, gives, or provides alcohol to an individual under 21 is guilty of a misdemeanor, fined a minimum of \$500, and/or imprisoned in county jail up to 1 year. A second offense is a misdemeanor with the same penalties.

Registration (IC § 37-2716): Every person who manufactures, distributes, prescribes, administers, dispenses, or conducts research with any controlled substance must annually obtain legal registration.

Records – Drug Storage – Inventory (IC § 37-2720): Qualifying individuals must record, store, and maintain inventories of controlled substances in a manner that conforms to existing policies.

Manufacture and Delivery (IC § 37-2732): Any person guilty of manufacturing, delivering or possessing with an intent to manufacture or deliver a controlled substance will be fined, imprisoned, and guilty of either a felony or a misdemeanor depending on the classification of the substance.

Trafficking of Marijuana (IC 37-2732b): Any person who knowingly manufactures, delivers, or brings into the state, or who is in possession of 1+ lbs. of marijuana or 25+ plants is guilty of a felony. The maximum sentence is 15 years and a fine of \$50,000.

Amount	Prison Time	Fine
1-5 lb or 25-50 plants	Minimum 1 yr	Minimum \$5,000
5-25 lb or 50-100 plants	Minimum 3 yrs	Minimum \$10,000
25+ lb or 100+ plants	Minimum 5 yrs	Minimum \$15,000

Possession (IC § 37-2732c): Any person that possesses a controlled substance without a valid prescription will be fined, imprisoned, and guilty of either a felony or a misdemeanor, dependent on the classification of the substance. If an individual is found in possession of more than 3 ounces of marijuana they are subject to up to 5 years in prison and a fine of up to \$10,000.

Advertising (IC § 37-2732h): Any person who advertises simulated controlled substances in any newspaper, magazine, or other publication is guilty of a misdemeanor and may be fined up to \$1,000 and/or be imprisoned for up to 1 year.

Repeat Offenses (IC §§ 37-2739a-b): Persons convicted of subsequent controlled substance violations may face doubled penalties and may face a mandatory minimum penalty.

Idaho Sanctions for Driving Under the Influence (DUI) (IC § 18-8004 and 18-8005):

It is prohibited for any person who is under the influence of alcohol, drugs, any other intoxicating substances, or any combination thereof to drive or be in control of a motor vehicle within this state. An individual can be charged with a DUI for a blood alcohol content level (BAC) of 0.02% or greater if under 21 years old, 0.04% or greater if operating a commercial vehicle, and 0.08% or greater if 21 years old or older. You can still be charged with DUI if you are under the influence of some other intoxicating substance(s) even if your BAC is less than 0.08%.

DUI	1 st Offense	2 nd Offense	3 rd Offense
Jail Time	Up to 6 months	10 days - 1 year	30 days – 10 years
Fine	Up to \$1,000	Up to \$2,000	Up to \$5,000
Driver's License Suspension	90-180 days	1-year, Possible Ignition Interlock Device installment	1 - 5 years, Mandatory Ignition Interlock Device
Classification	Misdemeanor	Misdemeanor	Felony

If under the age of 21 years old, the first offense mandates a fine of up to \$1,000, an alcohol evaluation, and 1 year of driver's license suspension. A second offense mandates a fine of up to \$2,000, a driver's license suspension up to 2 years, an alcohol evaluation, 5 - 30 days in jail, and installment of an ignition

interlock device. A third offense mandates a fine of up to \$2,000, an alcohol evaluation, 10-60 days in jail, and installment of an ignition interlock device.

An individual that refuses a chemical (breath, blood, or urine) test to assess intoxication level is subject to an additional fine and automatic license suspension.

Test Refusal	1 st Offense	2 nd Offense	3 rd Offense
Fine	\$250	Additional \$250	Additional \$250
Driver's License Suspension	1 year, possibility of restricted license with ignition interlock device	2 years, possibility of restricted license with ignition interlock device	2 years, possibility of restricted license with ignition interlock device

Amnesty Policy (IC § 37-2739c):

In addition to the U of I Amnesty Policy, the state of Idaho now grants limited use immunity to individuals acting in good faith and seeking medical assistance for themselves or another as a result of any illegal and controlled substances. This policy prevents against charges of possession, use and intoxication, but only applies if the individual seeking help acts in good faith, remains on scene, and cooperates with emergency medical assistance and law enforcement at the scene.

Health Effects of Alcohol & Other Drugs

Alcohol

Alcohol's effects vary from person to person, depending on a variety of factors including how much, how often, and how quickly you drink, your age, health status, and family history. While drinking alcohol is legal for those over the age of 21, even small amounts of alcohol can significantly impair your reflexes, coordination, judgment, and memory. In larger amounts, alcohol can significantly impair cognition – severely limiting a person's ability to learn, remember, and analyze decisions, as well as decrease the functions of the body such as breathing and beating of the heart, which can lead to unconsciousness and death. In addition, frequent or regular use of alcohol can lead to dependence and a wider range of consequences while increasing your risk for a variety of additional health concerns.

Possible short-term effects	Possible long-term effects
Drowsiness, impaired cognition and coordination, slurred speech, distorted vision, vomiting, decreased heart rate and breathing, unconsciousness, blackouts, coma, and death	Physical dependence, psychological dependence, liver damage, neurological damage, impaired cognitive development, sexual dysfunction, mental health difficulties, psychosis, and fetal alcohol syndrome

Marijuana/Cannabis

Marijuana is a psychoactive (mind-altering) drug that can be consumed in various ways and like all drugs, has health risks associated with its use. Marijuana impairs short-term memory, reflexes, judgment, and perception which negatively affects academic performance and makes it dangerous to drive while under the influence. Regular marijuana use has long term effects on cognitive development and so may be particularly harmful for younger users. In addition, marijuana is a habit-forming drug and can lead to both physical and/or psychological dependence with frequent use.

Possible short-term effects	Possible long-term effects
Impaired reflexes and coordination, sensory distortion, euphoria, panic, anxiety, increased appetite, drowsiness, impaired sleep quality, impaired memory, and impaired risk perception	Physical dependence, psychological dependence, lethargy, suppressed immune system, impaired sleep quality, impaired cognitive development, personality changes, impaired cognition and memory, complications with anesthesia, and anxiety

Depressants – Alcohol, Diazepam, Valium, Xanax, Chloral Hydrate, Barbiturates, Glutethimide, etc.

Possible short-term effects	Possible long-term effects
Muscle relaxation, dizziness, headache, slurred speech, decreased motor control and coordination, impaired judgment, distorted sensation, decreased breathing and heart rate, vomiting, unconsciousness, coma, and death	Physical dependence, psychological dependence, impaired cognitive development, pregnancy complications, liver damage, convulsions, psychosis, impaired sleep quality, and depression

Stimulants – Amphetamine, Adderall, Ritalin, Methamphetamine, Cocaine, MDMA (Ecstasy, Molly), etc.

Possible short-term effects	Possible long-term effects
Increased heart rate and breathing, sweating, flushed skin, dilated pupils, numbness, nausea, loss of appetite, dry mouth, blurred vision, impaired coordination, hyper-stimulation, muscle spasms, confusion, hostility, impaired judgment, disturbed sleep, delusions, paranoia, anxiety, unconsciousness, coma, and death	Physical dependence, psychological dependence, hypertension, insomnia, heart failure, delusions, hallucinations, psychosis, pregnancy complications, weight loss, memory loss, and depression

Opioids/Narcotics – Oxycodone, Hydrocodone, Heroin, Morphine, Codeine, Methadone, Fentanyl, etc.

Possible short-term effects	Possible long-term effects
Flushing of the skin, dry mouth, itching, nausea, vomiting, decreased pain perception, slowed breathing and heart rate, unconsciousness, coma, and death	Physical dependence, psychological dependence, constipation, stomach cramps, liver/kidney disease, pneumonia, abscesses, impaired immune function, muscular weakness, pregnancy complications, and increased risk of HIV and hepatitis

Hallucinogens – LSD (Acid), Psilocybin (Mushrooms), DMT, PCP, Ketamine, MDMA (Ecstasy, Molly), etc.

Possible short-term effects	Possible long-term effects
Hallucinations, confusion, paranoia, nausea, panic, intensified emotions and sensory experiences, disassociation, mood swings, hostility, distorted perception of reality and time, increased heart rate, dry mouth, sweating, seizures, coma, and death	Physical dependence, psychological dependence, impaired cognitive development, visual disturbances, memory loss, flash backs, weight loss, sleep difficulties, increased anxiety, psychosis, depression, and suicidal thoughts

Sources: National Institute on Drug Abuse (NIDA), Substance Abuse and Mental Health Services Association (SAMHSA)

Available Resources

The Counseling & Testing Center (CTC) provides free and confidential counseling services to U of I students, and is located in Mary Forney Hall Room 306 on the U of I Moscow Campus. Visit or call to schedule an appointment at (208) 885-6716. Visit <https://www.uidaho.edu/ctc> for more information. The CTC also provides the alcohol Choices class, BASICS screening and intervention, and outreach screenings throughout the academic year for both alcohol and marijuana.

SMART Recovery (Self-Management and Recovery Training) is a free substance use recovery session available to all students through the CTC. Sessions are offered every Wednesday during the academic year from 12:30pm-1:30pm. Call (208) 885-6716 for more information.

The Employee Assistance Program (EAP) is available to benefit-eligible U of I employees, dependents and eligible household members. EAP provides confidential, professional support for personal and work concerns at no cost to you. Whether you are dealing with a big issue, or are simply looking for advice,

your EPA provides professional, confidential support services and information for a wide variety of life areas. EAP is available toll free, 1-800-999-1077 or online at www.eaphelplink.com, 24 hours a day, 7 days a week. Please use company code UI1.

Education and Prevention: Alcohol and Other Drug Program/Vandal Health Education

Workshops covering a wide range of topics related to alcohol and other drug use are available upon request. Request a workshop by signing up at <https://www.uidaho.edu/current-students/vandal-health-education/workshops>. Workshops include Alcohol 101, Red Watch Band, How to Help a Friend, and Marijuana & Other Drugs.

Students and employees can complete a brief online alcohol and/or marijuana screening that provides personalized feedback through e-CHECKUP To Go, available on the U of I website at <https://www.uidaho.edu/current-students/vandal-health-education/alcohol-drug/e-checkup>.

Summary of Campus Resources

Note: *Resource available for students only	
Counseling & Testing Center* <i>(training programs and consultation available for employees)</i>	208-885-6716 https://www.uidaho.edu/ctc
Office of the Dean of Students* <i>(training programs and consultation available for employees)</i>	208-885-6757 www.uidaho.edu/dos
Employee Assistance Program <i>(Available to benefit-eligible employees)</i>	1-800-999-1077 or www.eaphelplink.com Company Code UI1
Human Resources <i>(Available to all employees)</i>	208-885-3638 www.uidaho.edu/hr
Main Street Law Clinic	208-885-6541 www.uidaho.edu/law/academics/practical-skills/clinics/main-street
Moscow Police Department – Campus Division	208-883-7054, Emergency Phone: 911 www.ci.moscow.id.us/278/Campus-Division
Student Health Clinic	208-885-6693 www.uidaho.edu/studenthealth
Vandal Health Education* <i>(training programs available for employees)</i>	208-885-4146 www.uidaho.edu/vandalhealth

Summary of Off-Campus Resources

Note: Employees should contact the Employee Assistance Program for counseling referral	
Alcoholics Anonymous	www.district22aa.org
Gritman Medical Center	208-882-4511 www.gritman.org
Latah County Sheriff’s Office – Emergency	911
Latah County Sheriff’s Office – Non-Emergency	208-882-2216 www.latah.id.us/sheriff

Latah County Prosecuting Attorney	208-883-2246 www.latah.id.us/prosecutor
Latah Recovery Center	208-883-1045 www.latahrecoverycenter.org
Moscow Police Department – Emergency	911
Moscow Police Department – Non-Emergency	208-883-7054 www.ci.moscow.id.us/234/Police
Paradise Creek Counseling	208-885-2566 www.paradisecreekcounseling.com
Weeks & Vietri Counseling	208-882-8514 www.weeksandvietri.com