

Policy for Drugs, Alcohol, and Tobacco

Southwestern Christian University recognizes its responsibility as an educational and private institution to promote a healthy and productive environment. This responsibility demands the implementation of programs and services facilitating that effort. The university is committed to a program that will prevent the abuse and illegal use of drugs and alcohol by its students and employees. The university program includes this policy, which prohibits illegal use of drugs and alcohol in the workplace, on university property, or as part of any university-sponsored activities. This policy also includes the prevention of the use of tobacco and tobacco-related products, such as vapors, hookahs, and related paraphernalia.

SCU holds a “No Tolerance” stance concerning all illegal drugs and will dismiss students from SCU for promotion, distribution, sale, or possession (either on or off campus).

In order to meet these responsibilities, university policy:

1. Requires all students and employees to abide by the terms of this policy as a condition of initial and continued enrollment/employment.
2. Recognizes that the illegal use of drugs and/or alcohol is in direct violation of local, state and federal laws as well as university policies found in the Staff and Faculty Handbooks, and the Student Handbook’s Lifestyle Covenant. University policy strictly prohibits the illegal use, possession, manufacture, dispensing, or distribution of alcohol, drugs or controlled substances in the workplace; on its campus; or as a part of any university-sponsored activities. SCU prohibits the use of tobacco or tobacco related products on its campus and all university-sponsored activities. In accordance with both the Faculty/Staff and Student Handbook’s Lifestyle Covenant, this policy is in effect both on and off SCU campus.
3. Considers a violation of this policy to be a major violation, which can result in a referral for criminal prosecution, and/or immediate disciplinary action up to and including termination from employment and suspension or expulsion from the university. A criminal conviction is not required for sanctions to be imposed upon an employee or student for violations of this policy. SCU holds a no tolerance policy concerning drugs.
4. Recognizes that violations of applicable local, state, and federal laws may subject a student or employee to a variety of legal sanctions, including but not limited to: fines, incarceration, imprisonment, and/or community service requirements. Convictions become a part of an individual's criminal record and may prohibit certain career and professional opportunities. A current listing of applicable local, state, and federal sanctions can be obtained through the Office of Student Life and Human Resources. (See Appendix A in SCU Student Handbook.)
5. Requires an employee to notify his/her supervisor, in writing, of a criminal conviction for drug or alcohol-related offenses occurring in the workplace no later than five calendar days following the conviction.

6. Provides for bi-annual distribution (Fall and Spring semesters) of this policy to all staff, faculty, and students.

Health risks generally associated with alcohol and drug abuse can result in but are not limited to: a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders. Health risks generally associated with tobacco can harm nearly every organ in the body, cause many diseases, reduce health in general, as well as being linked to multiple forms of cancer. The university's Human Resources Department and/or Office of Student Life are responsible for informing students and employees about the dangers of drug, tobacco, and alcohol abuse.

The appropriate provost or executive officer is responsible for notifying federal funding agencies within 10 calendar days whenever an employee is convicted of a drug-related crime that occurred in the workplace. This policy is based on the Drug Free Workplace Act of 1988 (P.L.100-690, Title V, Subtitle D) and the Drug Free Schools and Communities Act Amendments of 1989 (P.L.101-226).

Federal and State Law Penalties

Federal and State laws prohibit the illegal use, possession, manufacturing, sale or distribution of drugs and alcohol. The laws provide for serious penalties upon their violation, including imprisonment, fines, and/or forfeitures.

Federal Drug Laws

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

A. Denial of Federal Benefits

21 U.S.C. 862

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

B. Forfeiture of Personal Property and Real Estate

21 U.S.C. 853

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

C. Federal Drug Trafficking Penalties

21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

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

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

D. Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

Substance	Amount	Penalty—First Conviction
Heroin	1 kg. or more	Prison: not less than 10 years, not more than life. Fine: up to \$4 million.
Cocaine	5 kg. or more	
Crack Cocaine	50 gm. or more	
Methamphetamine	100 gm. or more	Prison: not less than 5 years, not more than 40 years. Fine: up to \$2 million.
PCP	100 gm. or more	
LSD	10 gm. or more	
Marijuana	1,000 kg. or more	
N-Phenyl-N-propanamide	400 gm. or more	
Heroin	100–999 gm.	
Cocaine	500–4,999 gm.	
Crack Cocaine	5–49 gm.	
Methamphetamine	10–99 gm.	
PCP	10–99 gm.	
LSD	1–10 gm.	
Marijuana	100–1,000 kg.	Prison: up to 3 years. Fine: up to \$250,000.
N-Phenyl-N-propanamide	40–399 gm.	
Amphetamines	any amount	
Barbiturates	any amount	
Marijuana	50–100 kg.	
Hashish	10–100 kg.	Prison: up to 20 years. Fine: up to \$1 million.
Hash Oil	1–100 kg.	

Flunitrazepan (Rohypnol, “roofies,” or “roaches”)	1 gm.	
Marijuana	less than 50 kg.	Prison: up to 5 years.
Hashish	less than 10 kg.	Fine: up to \$250,000.
Hash Oil	less than 1 kg.	
Flunitrazepan (Rohypnol, “roofies,” or “roaches”)	less than 30 mg.	

State Drug Law

All states regulate and control the possession of controlled dangerous substances (CDS), though each differs in its exact definition of CDS and the penalties for possession. Oklahoma classifies not only well-known drugs like marijuana, heroin, and cocaine as CDS, but also the compounds used to manufacture them.

How Oklahoma Classifies CDS

Oklahoma divides CDS into five “Schedules.” Schedule I lists the most dangerous drugs, which have a high probability of abuse and addiction, and no recognized medical value. Schedules II, III, IV, and V decrease in dangerousness and probability of abuse, and increase in recognized medical uses.

If you’ve been arrested for illegal CDS possession, you’ll need to consult the Oklahoma Code that lists precisely which drugs fit into each group. Go to the statute ([63 Okl. Stat. Ann. §§ 2-204 to 212](#)) and find the substance you’re charged with possessing -- it will be listed under one of the five classes.

Penalties for Possessing CDS

It is illegal in Oklahoma to possess CDS without a valid medical prescription. Penalties vary according to the type of CDS involved in the violation. (63 Okl. Stat. Ann. § 2-402(A)(1).)

A. Schedule I or II CDS

Penalties for a first offense include a fine of up to \$5,000, at least two (and up five) years in prison, or both. Second and subsequent offenses incur a fine of up to \$10,000, at least four (and up to 20) years in prison, or both. (63 Okl. Stat. Ann. § 2-402(B)(1).)

B. Schedule III, IV or V CDS

Penalties for a first offense include a fine of up to \$1,000, up to one year in jail, or both. Second and subsequent offenses incur a fine of up to \$5,000, at least two (and up to ten) years in prison, or both. (63 Okl. Stat. Ann. § 2-402(B)(2).)

Marijuana possession, sale, and manufacture are regulated by both state and federal law. In Oklahoma, marijuana is classified as a Schedule I substance, which means that it has a high potential for abuse and no generally recognized medical value. (63 Ok. Stat. Ann. § 2-204.) Also, it is a crime to drive under the influence of marijuana in Oklahoma.

C. Marijuana Possession

It is a crime to knowingly or intentionally possess marijuana (including small amounts for personal use) in Oklahoma. In addition to a possible fine, the judge will sentence a defendant to up to a year in jail for a first offense, and between two and ten years in prison for a second or subsequent offense. (63 Ok. Stat. Ann. § 2-401.)

D. Manufacture and Sales

Manufacturing or selling marijuana (or possessing marijuana with the intent to do so) in Oklahoma is illegal. Penalties vary according to the amount possessed, manufactured, or sold. Penalties may double for sales to a minor, and for violations that take place within 2,000 feet of a school, park or public housing units. (63 Ok. Stat. Ann. § 2-401.)

- **Cultivating up to 1,000 plants, or selling up 25 pounds.** Penalties include a fine of up to \$20,000, between two years and life imprisonment, or both.
- **Cultivating 1,000 or more plants.** Penalties include a fine of up to \$50,000, between 20 years and life imprisonment, or both.
- **Selling between 25 and 1,000 pounds.** Penalties include a fine of between \$25,000 and \$100,000, between four years and life imprisonment, or both.
- **Selling 1,000 pounds or more.** Penalties include a fine of between \$100,000 and \$500,000, between four years and life imprisonment, or both.

E. Drug Paraphernalia

It is illegal in Oklahoma to manufacture or sell drug paraphernalia (or possess paraphernalia with the intent to do so). Paraphernalia includes items used in growing, harvesting, processing, selling, storing, or using marijuana. A conviction may be punished with up to a year in jail and a fine of up to \$1,000 for a first offense; up to \$5,000 for a second offense; and up to \$10,000 for a third or subsequent offense. (63 Ok. Stat. Ann. § 2-101.1.)

Note: These descriptions of Federal and State law are intended to provide general, representative information only. For additional information regarding these laws, and the penalties associated

with their violation, please contact the Office of the U.S. Attorney in Oklahoma City at 405-553-8700 (federal law)

For more information, students may contact the Office of Student Life on the SCU Main Campus in Bethany, Oklahoma or by calling at (405) 789-7661 ex 3424