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 KU Medical Center  
 KU Salina  
 KU SoM Wichita*

# Policy on Prevention of Illegal Drug and Alcohol Use on Campus and in the Workplace

## PURPOSE:

The University of Kansas prohibits the unlawful possession, use, manufacture, or distribution of alcohol or drugs by students and employees on its property or as part of any of its activities.

## APPLIES TO:

Students and employees of the University of Kansas Medical Center

## DEFINITIONS:

The term "controlled substance" as used in this policy means those substances included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code and as further defined by the Code of Federal Regulations, 21 C.F.R. 1300.11 through 1300.15. The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

The term "alcohol" as used in this policy means any product of distillation of a fermented liquid which is intended for human consumption and which is more than 3.2% alcohol by weight as defined in Chapter 41 of the Kansas statutes.

## POLICY:

The University of Kansas prohibits the unlawful possession, use, manufacture, or distribution of alcohol or drugs by students and employees on its property or as part of any of its activities. Consumption of alcoholic liquor or cereal malt beverage on the premises of the University of Kansas Medical Center is prohibited except in certain special circumstances authorized by state law. Any alcoholic liquor service must conform to the policies of the Kansas Board of Regents and University, and must be approved in advance by the Executive Vice Chancellor.

The University is committed to a program to prevent the illegal use of drug and alcohol by students and employees. Any student or employee of the University found to be abusing alcohol or using, possessing,

manufacturing, or distributing controlled substances or alcohol in violation of the law on University property or at University events shall be subject to disciplinary action in accordance with applicable policies of the University of Kansas. For employees, the University will take appropriate personnel action for such infraction, up to and including termination. Students who violate this policy will be subject to sanctions which include completion of an approved drug or alcohol rehabilitation program, disciplinary warning, probations, suspension, and/or expulsion from the University.

As a condition of employment, all employees of the University of Kansas shall abide by the terms of this policy statement and will notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The University will, in turn, notify as appropriate, the applicable federal agency of the conviction within ten days of its receipt of notification of the conviction. The University will initiate personnel action, up to and including termination, within thirty days of receiving notice of such conviction. Employees may also be required to satisfactorily participate, at their expense, in a drug abuse assistance or rehabilitation program if allowed to return to work. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of the federal or state criminal drug statutes.

### **Possession and Distribution**

Students and employees are reminded that illegal possession or use of drugs or alcohol may also subject individuals to criminal prosecution. The University will refer violators of proscribed conduct to appropriate authorities for prosecution.

#### Drugs

- Federal Law

The Federal Controlled Substances Act provides penalties for the following:

Intentional unlawful distribution or possession with intent to distribute controlled substances.

Maximum Penalty: Life imprisonment; \$10,000,000 fine (first conviction). With a prior conviction for this offense: fine amount is \$20,000,000. With two prior convictions for this offense: life imprisonment without release.

Unlawful possession of a controlled substance

Maximum Penalty: 3 years imprisonment; \$5,000 fine.

Unlawful distribution of a controlled substance, manufacturing, or employing or persuading a person under 18 to unlawfully distribute a controlled substance on or within 1,000 feet of a school or university.

Maximum Penalty: Up to three times the term of imprisonment and fine otherwise authorized by law.

- Kansas Law

Kansas law provides that any person who violates the criminal statutes on controlled substances by: manufacturing opiates and narcotics, such as cocaine and heroin, shall be guilty of a drug severity level 1 felony; by cultivating or distributing controlled substances shall be guilty of a drug severity level 3 felony; or by possessing a controlled substance shall be guilty of a drug severity level 4 felony. For a conviction of any such felony, the court may sentence a person to a term of imprisonment in accordance with the Kansas Sentencing Guidelines Act and fines ranging up to \$300,000 for level 3-4 felonies or \$500,00 for level 1 felonies. Unlawful possession of a depressant, stimulant or hallucinogenic drug is punishable as a Class A non-person misdemeanor, with a penalty of imprisonment and a fine of \$2,500. Depressants include barbiturates, Valium, and barbital. Hallucinogens include LSD, and psilocybin. Marijuana possession is punishable as a Class B

non-person misdemeanor. State law classifies amphetamines and methamphetamine as stimulants. Kansas statutes also provide for criminal penalties for conviction of certain alcohol-related offenses. These penalties include imprisonment of up to six months and fines of up to \$1000.

### Alcohol

- Kansas Law

It is illegal for anyone of any age to consume alcoholic liquor on state or KU Medical Center property, except where specific exemptions are provided by law.

Maximum Penalty: 6 months in jail; \$200 fine.

It is illegal for anyone under 21 years of age to possess, purchase, attempt to purchase or consume cereal malt beverage or alcoholic liquor except where specific exemptions are provided by law.

Maximum Penalty: \$200 minimum fine (18-21 years of age); \$500 fine (under 18 years of age); perform 40 hours of public services; attending an alcohol education program; and up to 1 year suspension of driving privileges.

It is illegal for anyone to furnish cereal malt beverage or alcoholic liquor to another person under 21 years of age.

Maximum Penalty: 6 months in jail; \$200 minimum fine.

It is illegal for anyone to host a person under 21 in such a manner that permits the minor to consume alcoholic liquor or cereal malt beverages.

Maximum Penalty: 1 year in jail, \$1,000 minimum fine; performance of community service.

- Local Law

In addition to KU Medical Center policies on cereal malt beverage and alcoholic liquor and state law, local ordinances provide criminal penalties for specific violations. The most common are as follows:

#### **Salina Ordinance**

No person under the legal age for consumption of cereal malt beverage shall represent that he or she is of said age for the purpose of asking for, purchasing, or obtaining by any means any cereal malt beverage from any person. It is unlawful for anyone to drink or consume cereal malt beverages upon public streets, alleys, roadways, or highways, or inside any vehicle on public streets, alleys, roads, or highways.

#### **Wichita Ordinance**

No person under 21 years of age shall possess, consume, obtain, purchase, or attempt to obtain or purchase any alcoholic beverage except as authorized by law.

Minimum Penalty: misdemeanor punishable by a minimum fine of \$200 and not to exceed \$500;

Maximum Penalty: Imprisonment not to exceed 30 days, or by both such a fine and imprisonment.

It is illegal for anyone to consume or possess an open container of alcoholic beverage in public places, except for in areas and at events specifically exempted by state law.

Maximum Penalty: 6 months in jail and/or up to \$200 fine.

#### **Wyandotte Unified Government Ordinance**

It is illegal for anyone to furnish, drink, consume and/or possess an open container of alcoholic liquor, beer, or cereal malt beverage in public places, except for in areas and at events specifically exempted by state law.

Maximum Penalty: 6 months in jail and/or up to \$200 fine.

### **Student Financial Aid**

A student may be ineligible to receive financial aid if the student is convicted of an offense involving the possession or sale of a controlled substance for conduct that occurred during the period of enrollment for which the student has received federal student aid. Any questions should be directed to the Federal Student Aid Information Center at 1 (800) 433-3243.

### **Health Risks – Alcohol/Drugs**

Accidents and injuries are more likely to occur if alcohol and drugs are used on University property or as part of University activities.

Every year in the United States, over 1,000,000 people are admitted to publicly licensed substance abuse treatment facilities; another 47,000 die every year from drug poisoning alone. Drug tolerance and psychological dependence can develop after sustained use of drugs. More specifically, physical dependency, heart problems, infections, malnutrition, and death may result from continued high doses of amphetamines. Chronic use of narcotics can cause lung damage, convulsions, respiratory paralysis and death. Depressants, such as tranquilizers and alcohol, can produce slowed reactions, slowed heart rate, damage to liver and heart, respiratory arrest, convulsions, and accidental overdoses, because the abuser is unaware of how much of the drug or alcohol has been taken. Use of hallucinogens may cause psychosis, convulsions, coma and psychological dependency.

Alcoholism is the number one drug problem in the United States. Alcoholism takes a toll on personal lives by affecting finances, health, social relationships, and families. It can have significant legal consequences. Abuse of alcohol or use of drugs may cause an individual driving a motor vehicle to injure others and may subject the abuser to criminal prosecution. Drunk drivers are responsible for more than half of all traffic fatalities.

The University of Kansas Medical Center recognizes that student or employee members of its community can face personal problems related to alcohol abuse or drug use. KU Medical Center is committed to ensuring the wellness and effective performance of its community members. Therefore as a matter of policy, KU Medical Center will provide information for employees and students on both on-campus and off-campus professional assistance programs related to the control of alcohol abuse and drug use. Such information is provided in the [KUMC policy on Employee and Student Drug Use and Alcohol Abuse Assistance Program](#).

## **EXCLUSIONS OR SPECIAL CIRCUMSTANCES: CONSEQUENCES:**

In addition to the consequences identified above related to illegal use or possession of drugs or alcohol, any violation of this policy may result in disciplinary or personnel action, up to and including dismissal or termination.

## **REFERENCES:**

## **RELATED POLICIES links:**

[KUMC policy on Employee and Student Drug Use and Alcohol Abuse Assistance Program](#)

[Regulations Governing the Use of Alcoholic Liquor at the University Events, All-University](#)

[State of Kansas Substance Abuse Policy](#)

## **RELATED PROCEDURES links:**

## **RELATED FORMS links:**

Substance Abuse Policy Affirmation Form (pdf) - Agency No./Name: 683

## **RELATED OTHER links:**

Substance Abuse Policy Affirmation Form (pdf) - Agency No./Name: 683 KUMC; Drug Use and Alcohol Assistance Program | Free Addictions Treatment Group

Counseling & Educational Support Services

(913) 588-6580

Student Health Services

(913) 588-1941

Human Resources

(913) 588-5080

State Employee Assistance Program, a 24-hour, toll-free assistance line  
(888) 275-1205, option 7; TDD (800) 697-0353

The Kansas Medical Society

(800) 332-0156

The Kansas Nurses Assistance Program

(913) 236-7575

Department of Psychiatry

(913) 588-6580

Public Safety Office

(913) 588-5030

Alcoholics Anonymous

(816) 471-7229

Narcotics Anonymous

(800) 561-2250

## **CONTACT/S BY TITLE w phone number:**

Associate Vice Chancellor, Human Resources 913-588-5031

# REVISION HISTORY NOTES

05/06/2016: Removed Date Last Reviewed

08/2015: Contacts updated

03/30/1995: Approved by Vice Chancellor for Administration

**APPROVED BY: (EVC OR VC)**

Vice Chancellor for Administration

## Attachments:

No Attachments

## Approval Signatures

Approver	Date
Pat Dean-Love: Asst Director, Policy/Training	01/2019
Natalie Holick: Director, Office of Compliance	01/2019

## Applicability

KU Medical Center, KU Public Policies and Procedures, KU Salina, KU SoM Wichita

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