

## UM Abuse Prevention Policies; Alcohol and Other Drugs

In compliance with the federal Drug-Free Schools and Communities Act Amendments of 1989, The University of Mississippi has implemented an abuse prevention policy applying to alcohol and other drugs. This policy also affirms the University's commitment to eliminating the abuse of such substances.

Ole Miss adopts and implements this program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as a part of any of its activities and declares such possession, use, or distribution in violation of University policy.

The policy applies to all students (both full-time and part-time) and each faculty and staff member (whether full-time or part-time). It is the personal responsibility of each student, faculty member, or staff member to adhere to this policy.

This information has been prepared to ensure that each member of the Ole Miss community understands the rationale behind its provisions and his/her responsibilities under the University's policy and the laws of the state of Mississippi. Because the University's foremost concern is the health and well-being of its students and employees, this publication also details resources that are available for counseling and education about abuse of alcohol and other drugs.

### Alcohol

Many offenses against people and property committed at The University of Mississippi are a direct result of alcohol misuse/abuse. Such antisocial behavior is unacceptable to the University community. All persons at Ole Miss are subject to disciplinary action and criminal prosecution.

The University of Mississippi prohibits the possession, sale, and consumption of alcohol on its property. Students and employees found in violation of this policy shall be subject to disciplinary action.

### Other Drugs

The University prohibits the illegal possession and/or professionally unsupervised use of all federally and/or state-controlled substances by any member of its community. It is an especially serious offense to sell, provide, share, or distribute drugs illegally.

Present state law also prohibits the possession and sale of drug paraphernalia (pipes, roach clips, etc.), and such items are subject to confiscation on campus.

## Mississippi Laws Regarding Alcohol And Other Drugs

### State Alcohol Laws

**Sale or Consumption on University Property:** Any person in possession of alcohol on state property, regardless of age, shall be guilty of a misdemeanor. Upon conviction, he/she will be punished according to Mississippi law by a fine of \$25 to \$500 and/or a sentence of up to six months in the county jail (Miss. Code Ann. Section 67-1-37 (g) (1993 Supp.).

**Public Drunkenness on University Property:** Any person convicted as a public drunk is subject to a fine of up to \$100 and/or 30 days in the county jail.

**Possession of Alcoholic Beverages Under Age 21:** Any person under the age of 21 in possession of alcoholic beverages shall be guilty of a misdemeanor. Upon conviction, he/she will be required to pay a fine of up to \$100. See Section 67-3-70 (1), which has different penalties for light wine and beer.

**False I.D.:** Any person under 21 years of age who falsely states that he/she is 21 years of age or older for the purpose of purchasing alcoholic beverages shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of up to \$200. Failure to pay such fines and all costs shall result in imprisonment for not less than five days and not more than 30 in the county jail (Section 67-1-81). See Section 67-3-70 (2), which has different penalties for light wine and beer.

**Driving Under the Influence of Alcohol (DUI):** The following are DUI penalties that became effective July 1, 1992:

- First Conviction: Fined \$250-\$1,000; jail term of up to 48 hours; driver's license suspended for one year or 90 days if MASEP is completed or not less than 30 days with County or Circuit Court-ordered hardship.
- Second Conviction: Fined \$600-\$1,500; jail term of not less than 10 days nor more than one year; not less than 10 days nor more than one year of community service; driver's license suspended for two years, can be reduced to one year upon successful completion of alcohol and/or drug abuse treatment.
- Third Conviction: Fined \$2,000-\$5,000; jail term not less than one year nor more than five in the state penitentiary; possible forfeiture of vehicle.

**DUI Conviction with Refusal to Take Test:** Fine: Same as first, second, or subsequent convictions; jail term is same as first, second, or subsequent convictions. Driver's license suspension on first refusal: 90-day administrative suspension in addition to any suspension upon conviction of Section 67-11-30. Driver's license suspension on second or subsequent refusal: one-year administrative suspension in addition to any suspension upon conviction of Section 67-11-30.

**Driving While License is Suspended because of DUI (Section 63-11-40):** Fined \$200-\$500; jail term of 48 hours to six months; six months added to original driver's license suspension. If convicted of negligent operation of a motor vehicle causing serious injury or death (felony): up to 25 years in a State Department of Corrections facility.

### **Laws Regarding Other Drugs**

Controlled substances (drugs) are classified by schedules (I-V) based on their potential for harm and/or medical use. Legal sanctions vary widely (NOTE: A detailed summary of the schedules and penalties—along with federal trafficking penalties for controlled substances—is available in the University Counseling Center and the University Police Department.).

**Possession:** Penalties range from \$100-\$250 fine for possession of one ounce or less of marijuana (first offense) to 20 years or \$1 million for one kilogram or more. Penalties for possession of Schedule I or II drugs (Ecstasy, heroin, LSD, cocaine, etc.) range from one to three years in the state penitentiary and fines from \$1,000-\$3,000. Section 41-29-139 (c)(I).

**Sale:** Penalties range from three years and/or \$3,000 fine for sale of one ounce or less of marijuana to 30 years and \$1 million fine for sale of Schedule I or II drugs such as LSD, heroin, Ecstasy, mescaline, methaquaione, cocaine, and other such substances.

**Sale Near Schools:** First-offender penalties may be doubled for distribution, possession with intent to distribute, or manufacture of a controlled substance within 1,000 feet of a playground, swimming pool, or youth arcade.

**Possession of Paraphernalia (intent to use):** Fine of up to \$500 and/or six months in prison.

**Sale of Paraphernalia (or possession with intent to sell):** Fine of up to \$500 and/or six months in prison. Section 41-29-139 (d)(2).

## **University Disciplinary Sanctions**

The University will impose disciplinary sanctions on students and employees who violate its abuse prevention policies regarding alcohol and other drugs.

**Faculty and Staff Employees:** Depending on the facts relating to any unlawful possession, use, or distribution of illicit drugs or alcohol on University property or as any part of the University's activities, the employee may be suspended pending further investigation, required to participate in a drug or alcohol abuse assistance or rehabilitation program, issued a formal warning, or terminated. For termination, the applicable termination procedure as stipulated in the faculty/staff handbook will apply. Any action shall be initiated within 30 days after knowledge of facts become known to the University.

**Students:** The range of disciplinary sanctions include, but are not limited to, the following:

- probation for a specified period of time.
- suspension for a specified period of time or with sentence suspended.
- expulsion from the University or one of its residential units.
- restitution for property damage or other destruction for which the student was found responsible.
- referral to education or treatment programs.
- any combination of the above mentioned sanctions or other forms of creative sanction.

For complete information on University Judicial Procedures, see University Standards section of the M Book.

## **Counseling and Education Resources Available on Campus**

The University Counseling Center serves as the focal point for education programming and counseling services for both students and employees who have questions concerning alcohol and other drugs.

Counseling and therapy are available for students who are experiencing difficulties such as stress, anxiety, depression, family problems, relationship problems, and alcohol and drug abuse that are interfering with students' ability to perform successfully in an academic setting. The Counseling and Testing Services serve as the full-service mental health delivery unit for the students, faculty, and staff.

Through the cooperative efforts of many University departments and the Associated Student Body, The University Counseling Center offers guidance in the six wellness areas: intellectual, social, emotional, spiritual, physical, and life planning.

Programs stressing prevention and the development of positive lifestyles address such issues as alcohol and other drug abuse, eating disorders, personal responsibilities and consequences, and stress management. Programs are offered in residence halls, classes, clubs, Greek organizations, and special promotional events.

The University Police Department, Department of Student Housing and Residence Life, School of Pharmacy, and Dean of Students Office also provide additional educational programming and counseling referrals on campus.

Counselors in the University Counseling Center provide crisis intervention 24 hours a day. Counselors are available to meet with students in their residence halls if needed. Immediate support and assessment will be provided until the student can resume his or her normal routine. Contact the Counseling Center at 915-3784 or the center's pager at 915-1439.