Policy title	Category
Student Alcohol and Drug Policy	Camps, Conferences, On-Campus Events Graduate/Adult/Transfer Public Safety/Risk Management Residential Education Student Conduct Student Health Student Life Traditional Undergraduate Travel and Off Campus Activities
Owner Student Life	**Approved by** Board of Governors

Purpose of this policy

In accordance with the Safe and Drug Free Schools & Campuses Act (34 C.F.R. Edgar Part 86) the following are the standards of conduct expected of Nebraska Wesleyan students, as well as, descriptions of short- and long-term health risks associated with substance abuse, applicable state and local laws, and resources for substance abuse.

Policy statement

Because of the serious problems related to the use of alcoholic beverages and controlled substances, and because this practice can lead to a loss of effectiveness in human life and does not contribute to the teaching-learning process, the Nebraska Wesleyan community reaffirms its position of serious concern about and opposition to the use of alcoholic beverages and/or controlled substances in this college environment. The Nebraska Wesleyan community urges that all of its members exercise mature judgment and social responsibility when making decisions regarding the use of alcoholic beverages and other drugs. This University community further denounces and prohibits the sale, possession, distribution or use of illegal drugs by students, faculty or staff. The University urges the members of this academic community to become actively engaged in drug and alcohol education, prevention and treatment programs where appropriate.

While the Board of Governors recognizes the rights of students to be protected from intrusive drug testing, the Board acknowledges that substance abuse or illegal drug usage may hinder a student's performance (academic, athletic or other), health, or safety. Additionally, the Board recognizes that such abuse or use may adversely affect the interests of the University community. As such, it is the determination by the Board of Governors that Nebraska Wesleyan is authorized to implement appropriate procedures to protect the interests of the students and the University community. Such procedures may include the implementation of a screening process or the request for an evaluation from a qualified professional to determine the seriousness of the problem. In the implementation of these procedures, Nebraska Wesleyan is committed to protect the due process and privacy rights of students.

Violations of law and/or violations of the Code of Student Conduct shall be adjudicated by the proper student conduct bodies.

Prohibited Conduct

- It is a violation to use or possess mind-altering substances that may be intended to create a hallucinogenic effect, as such substances represent a potential risk to the health and safety of students. Anyone found to use or possess hallucinogenic substances not otherwise covered by this policy will be reported and referred to the Student Conduct Board.
- Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers – full or empty – anywhere on campus (this includes any type of bottle or can display which contains alcohol containers).

- It is illegal, and also a violation of this policy, for a person under the age of 21 to be present at gatherings where alcohol is present. Further, it is a violation of this policy for any person to be in the presence of alcohol in a space not designated as "alcohol tolerant." This includes students who knew, or reasonably should have known, they were in the presence of alcohol.
- It is a violation of the law, as well as this policy, to be under the influence of, to possess, to distribute, to use or to sell illegal drugs or any other controlled substance or agent having the potential for abuse, except pursuant to a physician's or dentist's prescription, or to possess paraphernalia for drug use on University-owned or controlled property. This includes students who knew, or reasonably should have known they were in the presence of illegal drugs.
- Neither the college nor any group which owes its existence to Nebraska Wesleyan, whether officially or unofficially, formally or informally, will be permitted to use any organizational funds held by the institution for the purchase of any kind of alcoholic beverage, without approval of the Administration.
- Nebraska Wesleyan University organizations may not provide alcoholic beverages at off-campus functions.
- No alcoholic beverages of any kind will be permitted at any on-campus function involving any students on the Nebraska Wesleyan University grounds or in any area other than in areas approved in Residence Halls and Greek Houses without approval from the Nebraska Wesleyan Administrative Council.
- Guests of students are bound by the same rules regarding alcoholic beverages and illegal drugs as are students. Violators will be asked to leave the campus and/or referred to local authorities. Students may be held accountable for the behavior of their guests.
- Individuals and their guests will be held responsible for their behavior and any destruction that occurs while under the influence of alcohol or other drugs. The University will not tolerate the endangerment or injury to any person, including the self, while under the influence of any alcohol or drugs.
- Public intoxication and/or disruptive behavior related to the consumption of alcoholic beverages will be considered a violation of the alcohol policy.
- Public intoxication and/or disruptive behavior related to the consumption of alcoholic beverages by an under-age student will be considered a violation of state law prohibiting such behavior.
- No open containers of alcohol may ever be carried or transported anywhere on campus.
- Possession or use of any unauthorized containers or paraphernalia: Beer bongs, funnels, shot glasses, or any other paraphernalia that suggests the transportation, concealment, manufacturing or consuming of alcohol are prohibited on campus.
- All drinking games are prohibited.
- It is illegal for any student of legal age to sell or supply minors with alcoholic beverages or illegal drugs of any kind. The procurement of alcoholic beverages or illegal drugs for minors is not only a violation of state law; it is an act which may create significant personal liability for a student and their parents if the minor is injured or injures another person while under the influence of alcoholic beverages or illegal drugs. Procuring is treated in the same fashion as repeat violations of the Alcohol & Drugs policy and will automatically be referred to the Student Conduct Board.

Nebraska Wesleyan University cannot regulate businesses which sell alcoholic beverages to individuals while they are off campus. The management of off-campus businesses which sell alcohol shall be responsible for checking identification when alcoholic beverages are purchased or consumed by members of the University community off campus.

Alcohol / drug use during group off-campus travel may also be regulated by other NWU campus policies. NWU maintains jurisdiction over student behavior off campus in any situation where it appears that the student's conduct may present a danger or threat to the health or safety of the student or others.

"Alcohol Tolerant" Rooms in a Residential Facility

All residence hall rooms/suites, apartments or townhouse units are alcohol free unless students, as permitted by law and university policy, follow established procedures to declare their room/suite, apartment or townhouse unit "alcohol tolerant." To help with the enforcement of this policy, the residential education staff will be given a list of those rooms that have been declared alcohol tolerant. Note that Greek living units do not have "alcohol tolerant" rooms.

To declare a room/suite/apartment/unit alcohol tolerant, all roommates must go to the Residential Education Office located in Centennial Hall, show a legal form of identification to a professional Residential Education staff member, and sign an alcohol tolerant card for their living space. This process can take place after all roommates have reached the age of 21.

- Only students 21 years of age or older can live in alcohol tolerant rooms.
- No alcohol tolerant room may permit minors in the room if there is alcohol present.
- Any gathering in an individual student room where alcohol is present may not exceed a safe and manageable occupancy for that room. The University has decided that the "safe and manageable occupancy" may not exceed twice the number of residents assigned to that room. (Four-person suites or townhouses may have a total of eight people in the room, counting the assigned residents; a double room may have four people in the room; and a single room may have two people in the room).

- If it is discovered that underage drinking is occurring in an alcohol tolerant room, all residents present at the time of the offense will be held responsible.
- Consumption or possession of alcohol is prohibited in any public area, such as basements, dining rooms, public hallways, lounges, bathrooms, utility closets, shower rooms, kitchens, and computer rooms. Public areas also include any vehicle on campus property.
- All persons (residents and their guests) consuming and/or possessing alcohol must have a valid ID, which contains their date of birth.
- Students who are 21 years of age may only consume alcohol in rooms designated alcohol tolerant; doors to alcohol tolerant rooms must be closed when alcohol is being consumed.
- Bulk containers holding more than one liter of alcohol (i.e. kegs, party balls, pony kegs, multiple cases of beer, large quantities of wine or hard alcohol, etc.) or any common source containers of alcohol (including any mass-produced drinks such as “trashcan” punches, margaritas, etc.) are not permitted in any campus living unit or on any campus property.
- Grain alcohol (Everclear, Alcohol-95, and Golden Grain, etc.) is never permitted on campus.
- Beer in glass bottles is prohibited.

Alcohol Tolerant status is a privilege and not a right. If an approved, alcohol tolerant room is found in violation of the alcohol policy, the room’s alcohol tolerant status will be removed for a time deemed appropriate by the Residential Education Coordinator.

**Students must re-apply for alcohol tolerant status each academic year.

Alcohol Policy for Any Greek Living Units

Greek houses (fraternities and sororities) meeting criteria for approved campus housing are subject to the laws governing alcohol and illegal drugs and are subject to the policies governing the possession and consumption of alcoholic beverages established by Nebraska Wesleyan University and by national fraternal organizations. Alcohol is prohibited in fraternity and sorority houses year-round. University policies do not prevent a chapter from invoking other restrictions.

Enforcement

Violations may be referred directly to local authorities and/or action may be taken by Student Life / Residential Education.

Generally, a first or second alcohol violation will be treated as a “lower level” violation adjudicated by the Residential Education Coordinator in the building where the violation occurred. Any additional violations will be considered a “higher level” violation to be adjudicated by the Student Conduct Board. All alleged violations related to illegal drugs will be considered a “higher level” violation and will be adjudicated by the Student Conduct Board. At the discretion of the Residential Education Coordinator, any alleged violation of this policy may be adjudicated as a “higher level” violation based on the severity of the situation and the compliance of the involved individual(s).

For more information about student conduct procedures, see the Code of Student Conduct, specifically Section 8: The Student Conduct Process.

The University will impose sanctions on students for violations of the Alcohol and Drugs Policy (consistent with local, state, and federal law). These sanctions may include educational projects, disciplinary warning, disciplinary probation, restitution, revocation of privileges or restriction of activities, disciplinary suspension, and disciplinary expulsion. The local authorities may impose legal sanctions that may include incarceration and/or fines for those found guilty of violating the local, state, and federal law.

Off Campus and Lincoln Police Department Referrals

In an agreement with the Lincoln Police Department, the Nebraska Wesleyan University Student Life Office is informed of all NWU students who violate drug or alcohol laws in Lincoln / Lancaster County.

Nebraska Wesleyan adjudicates off-campus violations that impact the health and safety of students and the surrounding community or affect a substantial University interest as defined in Section 2: Jurisdiction of the Code of Student Conduct. The primary types of off-campus violations adjudicated include but are not limited to:

1. Felony charges;
2. Act of harm charges, including, but not limited to, assault, harassment, or threats;
3. Repeated or high-risk alcohol offenses;
4. Repeated Driving Under the Influence offenses;
5. Repeated or high-risk drug misdemeanor charges

Nebraska Wesleyan enforces this policy 1) to prevent and reduce behavior that undermines student academic success and that impacts the educational mission of the University, 2) to improve the health and safety among students and community members, 3) to provide timely support and resources for those who may be struggling with substance abuse/addiction, and 4) to prevent violence in and around Nebraska Wesleyan's campus.

If a student has not previously violated the Code of Conduct on campus or received off-campus charges, they will not be referred to the Student Conduct System for a first offense low level alcohol or other drug misdemeanor charge. Instead, they will meet with the Student Conduct System Administrator or designee. The purpose of this meeting is to communicate that Nebraska Wesleyan cares about the health and safety of our students and the community; to provide substance abuse prevention resources; and to educate about the University's authority and jurisdiction in addressing off campus violations. Future off-campus charges by the same student, however, will result in the filing of a student conduct complaint.

Parent Notification

Nebraska Wesleyan University is aware that students have rights and expectations in terms of their privacy, as explained under the Family Educational Rights and Privacy Act (FERPA). FERPA, however, permits NWU officials to disclose, without student consent, educational records which may include personally identifiable information, in order to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel. In addition, the Department of Education interprets FERPA to permit institutions to disclose information from education records to parents/guardians if a health or safety emergency involves their student FERPA (34 CFR 99.31).

As related to this policy, in accordance with the Family Educational Rights and Privacy Act (FERPA), the University may notify parents/guardians in the following circumstances:

- Serious concern for the health and safety of a student
- Serious or repeated offenses related to alcohol or drug use

Amnesty

Safety is first and foremost. As a Nebraska Wesleyan community member, we expect students to demonstrate the utmost care and concern for others in matters of medical emergency and/or crisis. To encourage students to immediately seek necessary medical attention for themselves or others, the University will not impose disciplinary action of record for a violation of student alcohol or drug possession or consumption against individual students when they seek assistance from a NWU staff member, a health care professional, or law enforcement for a medical emergency or condition.

For more information about amnesty, and to learn about other circumstances where amnesty is offered to students, refer to section 8 of the Code of Student Conduct.

Health Risks

The health risks of using illegal drugs and/or alcohol are difficult to predict due to the unknown chemicals involved in these substances. Alcoholic beverages are a central nervous system depressant. It slows down bodily functions such as heart rate, pulse and respiration. Drinking large enough amounts of alcohol over a period of time can produce psychological and physical dependence or alcoholism. Prolonged heavy drinking can lead to stomach irritation, ulcers, malnutrition, high blood pressure, lowered resistance to disease, and possible irreversible brain and nervous system damage. Alcohol can be harmful to unborn babies, resulting in fetal alcohol syndrome. The safest choice is not to drink at all during pregnancy. Operation of a motor vehicle or boat while under the influence of alcohol or drugs can result in impaired driving, presenting a health risk to the driver, passengers and others. There is also a wide range of health risks associated with the use of illegal drugs such as marijuana, cocaine and anabolic steroids. The diminishment of intellectual ability, long-term genetic damage and other health risks may be severe and lead to permanent impairment or even death. Even occasional use or experimentation can have significant negative consequences.

If you or someone you know is having difficulties because of alcohol or substance abuse, please seek assistance. The campus and the Lincoln community include individuals and agencies with the resources to help. The staff in Student Health Services (ext. 2375) or Counseling Services (ext. 2464) are good places on campus to start and to receive community referrals.

City and State Laws on Violations and Penalties for Abuse of Alcohol and Drugs

NOTE: Nebraska Wesleyan University complies with the Drug-Free School and Communities Act Amendments of 1989 (Public Law 101-226) through the publication of the Alcohol and Drugs Policy and other written materials distributed annually to students and employees. Further information is available from the Student Life Office (ext. 2223).

LAWS GOVERNING ABUSE OF ALCOHOL AND DRUGS

This information summarizes selected provisions of Federal, State and local laws which provide criminal and civil penalties for unlawful possession or distribution of alcohol or drugs. (References are to Nebraska statutes unless otherwise indicated)

Alcohol Laws

Minor In Possession

Nebraska law makes it illegal for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. (§ 53-180.02) Penalties for violation of this law may include one or more of the following: impoundment of the offender's driver's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; or submission to an alcohol assessment by a licensed counselor. (§ 53-180.05(4) and § 53- § 28-106(1)

Nebraska law also prohibits a minor from obtaining alcohol by misrepresenting one's age or creating false identification for a person under the age of 21. (§ 53-180.01 and § 53-180.05)

Safe Harbor for Requesting Emergency Medical Assistance

If a person has otherwise violated the Minor-in-Possession law, no penalty will be imposed if the person (i) requested emergency medical assistance in response to a possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) was the first person to make the request for medical assistance; and (iii) remained on the scene until the medical assistance arrived and cooperated with medical assistance and law enforcement personnel, when emergency assistance was requested for the possible alcohol overdose of another person. (§ 53-180.05(4) and § 53-181)

Procuring Alcohol for Minors

Nebraska law makes it illegal to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor. (§ 53-180) Violation of this law is generally punishable by not more than a 1-year imprisonment or a $1,000 fine or both. (§ 53- 180.05(1) and § 28-106(1)) However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition leads to the serious bodily injury or death of any person, the person who provided the alcohol is guilty of a Class IIIA felony, which includes a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a $10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. (§ 53-180.05(2) and § 28-105(1))

Consumption on Public Property

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. (§ 53-186)

Driving While Intoxicated--Age 21 and Above

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a blood alcohol concentration ("BAC") of .08% or more. (§ 60-6,196) Violators are subject to a range of penalties, which can include fines, imprisonment, license revocation and use of an ignition interlock devise installed at their expense. Persons with higher concentrations of alcohol, a BAC of .15% or more, are subject to stiffer penalties.

Driving While Intoxicated--Under Age 21

Nebraska has a "zero-tolerance" DWI law for underage drinkers. This law makes it illegal for a person under the age of 21 to drive if he or she has a BAC of .02% or more. Violation will result in the impoundment of the driver's license for 30 days, and if the driver refuses to submit to a blood or breath test, the driver's license will be impounded for 90 days. These penalties are in addition to any that may result if the BAC is above .08%. (60-6,211.01)

Local Liquor Laws

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol (e.g., "open container" laws).

Laws Governing Illegal Possession of Controlled Substances

Nebraska's Uniformed Controlled Substances Act ("UCSA") governs the regulation of most illegal drugs, which are also called controlled substances. (§ 28-401 et seq.) There are other Nebraska laws which establish penalties for various drug-related offenses. Federal and local laws also regulate the manufacture, distribution and use of controlled substances.

Prohibited Acts

Under the UCSA, it is illegal to manufacture, distribute, deliver, dispense or possess with the intent to take any of these actions involving controlled substances or counterfeit controlled substances. The definition of controlled substances includes, but is not limited to marijuana, cocaine, heroin, amphetamines, and anabolic steroids. Depending on the type of controlled substance involved, the quantity, and the nature of the offense, violations of the UCSA can result in fines up to $10,000 and imprisonment up to 20 years.

Crimes Involving Minors
Any person who is age 18 or older is subject to enhanced penalties for knowingly and intentionally manufacturing, distributing, delivering or possessing with intent to commit one of these actions involving controlled substances to persons under the age of 18 (a) within 1,000 feet of a school, college, university, or playground or (b) within 100 feet of a youth center, public swimming pool, or video arcade. The law also provides for an enhanced penalty for anyone 18 or older who employs, uses, induces, or coerces any person under age 18 to commit any act which violates the UCSA. (§ 28-416(4) and (5))

Persons under the age of 18 who violate the drug laws may also be subject to sentencing provisions which include impounding driver's licenses or permits, completion of community service and attending drug education classes. (§ 28-416(4))

Using Controlled Substances for Unauthorized Purpose
Persons may legally possess controlled substances which have been prescribed by licensed health practitioners, if they are used for the prescribed purpose. It is illegal to be under the influence of a controlled substance which is being used for a purpose other than the treatment of a sickness or injury as prescribed or administered by a licensed practitioner. If a person is prosecuted under this provision, it is sufficient for the State to show that the accused manifested symptoms or reactions caused by the use of any controlled substance and the State is not required to show that the accused was under the influence of a specific controlled substance. (§ 28-417)

Drug Paraphernalia Offenses
The UCSA also prohibits the use, or possession with the intent to use, drug paraphernalia used to manufacture, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body. (§ 28-441) "Drug paraphernalia" includes such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, designed, or intended for use with controlled substances. (§ 28-439) Use or possession of drug paraphernalia is punishable by fines up to $500, depending on whether it is a first or repeat offense. (§§ 28-441 and 28-436)

Nebraska law prohibits the manufacture and delivery of drug paraphernalia generally (§ 28-442) The penalties for delivery or manufacture of drug paraphernalia can include up to 6 months in prison, a $1,000 fine, or both. (§§ 28-442 and 28-106) There are enhanced penalties for persons over the age of 18 who deliver drug paraphernalia to persons who are under the age of 18 and at least 3 years his or her junior. (§§ 28-442 and 28-106)

Inhaling or Drinking Controlled Substances
The UCSA prohibits persons from breathing, inhaling, or drinking any compound, liquid, or chemical containing substances for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, mental, or nervous processes. (§ 28-417) Violations can result in a penalty of up to three months imprisonment, a $500 fine, or both. (§28-106)

Offsite resources for Mental Health and Substance Abuse

Blue Valley Behavioral Health	402-261-4017
CenterPointe	402-475-5161
The Bridge Behavioral Health Detox	402-477-3951
Fresh Step Recovery and Wellness Center	402-434-2730
Independence Center	402-481-5268
Lutheran Family Services	402-435-2910
St. Monica’s	402-441-3768
Touchstone	402-474-4343

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