



# ALCOHOL AND DRUGS POLICY



NEBRASKA  
WESLEYAN  
UNIVERSITY

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## Alcohol and Drugs Policy

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.

### **Enforcement of Alcohol and Drugs Policy**

In enforcing this policy, the following guidelines will be followed:

1. The laws of the State of Nebraska pertaining to the possession and use of alcoholic beverages shall be followed specifically. This means that it is a violation of the alcohol policy for students under the legal drinking age (21 years of age) to consume or possess alcoholic beverages on campus. It is also illegal for a person under the age of 21 to be present at gatherings where alcohol is present.
2. The laws of the State of Nebraska pertaining to the unlawful possession, use or distribution of illegal drugs and controlled substances shall be followed specifically. Violations will be referred to the Student Conduct Board and/or local authorities. If a person's behavior simultaneously violates a University regulation and the civil law, the University may take disciplinary action independent of that taken by civil authorities.
3. 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.

4. Nebraska Wesleyan University cannot accept responsibility for the conduct of individuals while they are off campus and 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.

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, faculty, administrators, board members, alumni or other persons 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. All members of the Nebraska Wesleyan University community are responsible for abiding by this policy and for the enforcement thereof.

5. 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.
6. 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.
7. The procurement of alcoholic beverages for minors is not only a violation of state law; it is an act which may create significant personal liability for a student and his/her parents if the minor is injured or injures another person while under the influence of alcoholic beverages. Because of the serious consequences which can result from such behavior, the University will take action against students involved in procuring alcoholic beverages for minors. 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.
8. It is a violation of the law, as well as Nebraska Wesleyan's Alcohol and Drugs 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.
9. Violations may be referred directly to local authorities and/or action may be taken by the Student Life Office. The University will impose sanctions on students for violations of the Alcohol and Drugs Policy (consistent with local, state and federal law). Sanctions may include administrative termination of the residence hall contract as well as other sanctions available through the Student Conduct process. These sanctions may include educational projects, disciplinary warning, disciplinary probation, fines, 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.

## **Alcohol Policy for Any Residential Facility**

(Burt North, Centennial, Heim/White Suites, Johnson, Pioneer, Plainsman, Townhouse Village, Student Apartments and Theme House). Students who choose to consume, provide, or serve alcohol, with an understanding of the responsibilities imposed by Nebraska state law and the

policies of Nebraska Wesleyan University, should do so with a sense of responsibility and concern for themselves and others. Students have the responsibility to confront others whose behavior under the influence of alcohol is inconsistent with their own welfare and the welfare of others in the community.

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.” In order 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. 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.

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.

Alcohol free rooms cannot have any alcohol present in the room at any time, even if one or more of the residents living there are 21 years of age.

- All persons (residents and their guests) consuming and/or possessing alcohol must have a valid ID, which contains their date of birth.
- Consumption or possession of alcohol is prohibited in any public area, such as basements, dining rooms, halls, lounges, bathrooms, utility closets, shower rooms, kitchens and computer rooms. Public areas also include any vehicle on campus property.
- No open containers of alcohol may ever be carried or transported anywhere on campus.
- 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.
- 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).
- Residential students, regardless of age, may not display any alcohol beverage containers that render them visible from outside a campus building.
- 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.

- 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.
- Possession or use of any objects to enhance the ingestion of alcohol, such as beer bongs, funnels, shot glasses, etc. is not permitted on campus. All drinking games are prohibited.
- Grain alcohol (Everclear, Alcohol-95, and Golden Grain, etc.) is never permitted on campus.
- Beer in glass bottles is prohibited.
- Students may not consume alcohol or possess an open container of alcohol, even if only in their rooms, if a minor is present.
- It is illegal for any student of legal age to sell or supply minors with alcoholic beverages of any kind.
- 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 have to 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.

## **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 device 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)

[Federal Trafficking Penalties](#)

[Uses and Effects of Controlled Substances](#)