

# Alcohol and Drug Policy

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## POLICY INFORMATION

Policy#: CMP-020

Original Issue Date: 11/19/2014

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Initial Adoption Date: 11/19/2014

<input checked="" type="checkbox"/> <b>Organization Policy</b>
<input type="checkbox"/> <b>Legal Policy</b>
<input type="checkbox"/> <b>Education Policy</b>
<input type="checkbox"/> <b>Marketing Policy</b>
<input type="checkbox"/> <b>Finance Policy</b>

## RESPONSIBLE OFFICE

	Student Affairs
Chief of Staff	President's Office

## SCOPE

(Select all that apply)	(Select all that apply)
<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Hyde Park
<input checked="" type="checkbox"/> Faculty	<input checked="" type="checkbox"/> Greystone
<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> San Antonio
<input checked="" type="checkbox"/> Contractors	<input type="checkbox"/> Singapore
<input checked="" type="checkbox"/> Visitors	

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## **A. PURPOSE**

## **C. AUTHORITY**

– the possession or use of all drugs and substances that are illegal under federal and state laws is absolutely prohibited on all CIA campuses.

-- Any living space within an apartment, suite, or house to which only assigned students have access. This includes, but is not limited to, the kitchen, living room, dining area,

- f) At any given time, alcohol present or stored in a Shared Area may not exceed twenty-four 12-ounce containers of beer or pre-mixed beverage alcohol (totaling 288 oz), four 750 ml bottles of wine, or one-fifth of distilled spirits pending all assigned residents and/or guests are (21) years of age or older.
- g) Beer or other Alcohol-related drinking games (e.g., beer pong, funneling, and flip cups) are strictly prohibited anywhere on campus. Also prohibited are "all-you-can-drink" activities.
- h) Any member of CIA administration can terminate an activity involving Alcohol at any time at their discretion if the activity is believed to be in violation of campus Alcohol guidelines.
- i) Students are prohibited from providing any identification or evidence of age that is false, fraudulent, or not actually his or her own, for any purpose including that of obtaining or attempting to obtain Alcohol.
- j) Alcohol possessed in violation of campus Alcohol restrictions will be confiscated and disposed of by designated CIA administration. Confiscation of Alcohol will take place under the following conditions:
  - i. If those individuals are in possession or consuming Alcohol under the state legal drinking age of 21 years;
  - ii. If the individuals are deemed by a CIA official to be endangering themselves or others by continuing to possess or consume Alcohol, even if the individual is of legal drinking age;
  - iii. If the individual has an open container of Alcohol or is consuming alcohol in a public area outlined in Section 1 (c) above;
  - iv. If the individual is of 21 years or older and has any open container(s) of alcohol in a residence hall room where a minor is present. The only exception is when the minor is the roommate, and they are the only two people in the room;
  - v. If the individual is found in possession of Alcohol, in an open or closed container, in any designated Alcohol-free environment, such

The CIA will not tolerate the possession, use, or sale of illegal drugs and substances.

- a) No one may use, possess, sell, distribute, or be in the presence of illegal drugs or substances, or Drug Paraphernalia anywhere on CIA grounds or at CIA-sponsored events on or off campus.
- b) Individuals who are arrested by civil authorities for illegal drug use or possession, or who fail drug tests for or at an externship site or other employment will also be subject to CIA sanctions.
- c) No one may use, possess, sell, distribute or be in the presence of the use of any prescription drugs or other medications



- a) Alcohol may only be dispensed by CIA employees or student employees at events. Student volunteers, under the direct supervision of a CIA staff manager, may occasionally be utilized to assist in serving Alcohol.
- b) All Alcohol will be dispensed under the supervision of a member of the CIA administration.
- c) Employees and student employees of the CIA who are dispensing Alcohol must do so under the direct supervision of a staff supervisor who is certified by TIPS, ServSafe or an equivalent program.
- d) Employees and student employees of the CIA are required to immediately notify a member of management should they believe that a patron or guest has reached the limit of safe Alcohol consumption. Tdoe etion. f tes

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- iv. A description of the available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs for students; and
- v. A copy of the disciplinary sanctions that can be issued under this Policy.

For full details on the Student Drug and Alcohol Abuse Prevention program, students should refer to the Student Handbook.

b) Employees

The CIA offers a Drug and Alcohol Abuse prevention program to its employees that includes an annual notice to all employees including the following information:

- i.

Students who violate the alcohol and drug policy will receive a sanction, under the direction of the Associate Vice President and Dean of Student Affairs or their designee, ranging from written warnings, fines, demerits, community service, and suspension from the CIA and/or loss of campus housing privileges. Serious violations may also result in immediate suspension or expulsion from the CIA. The severity of penalties will increase with repeated violations of CIA policy. In addition to sanctions, students may be expected to complete individualized educational sessions, assessment by a licensed counselor or medical doctor that may include drug testing, and/or completion of specified drug/alcohol rehabilitation programs.

In addition to the sanctions indicated above, a Student who possesses or uses illegal drugs or substances will be subject to sanctions including, but not limited to probation, suspension, or expulsion as determined by the conduct officer. When suspension is applied it will typically be for the following length of time:

15 – 24 weeks.

Two years.

A student suspended for a drug violation may not be eligible to reside on campus upon return to classes based on the severity of the violation as determined by the conduct officer. If a student loses the ability to reside on campus following their first drug offense, a Student may petition to the Associate Vice President and Dean of Student Affairs in writing to reside on campus, but is not guaranteed housing. A student found responsible for a second drug offense is not eligible to reside on campus. If the CIA determines that a student is found responsible for the sale of illegal drugs through the conduct process, that student will be permanently expelled from the CIA.

Charges and sanctions for all violations are given in writing. Students charged with violations have three (3) business days from receipt of their letter to request an appeal of their sanction, other than written warnings, through the process outlined in the Student Code of Conduct found in the Student Handbook and specific to each of the branch campuses.

b)

Employees who violate the alcohol and drug policy will be subject to disciplinary action, up to and including termination of employment. Specific disciplinary action will be based upon the severity of the policy breach as well as the employee's past disciplinary record.

c)

Visitors found in violation of the alcohol and drug policy will be subject to immediate removal from the campus, and face possible arrest and prosecution by civil authorities.

## **F. RESPONSIBLE CABINET MEMBER**

Associate V

## **APPENDIX A**

### **Description of Health Risks of Alcohol and Drugs**

Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. Alcohol alters judgment, vision, speech, and coordination, and severely impairs your ability to function. These factors result in a higher incidence of vehicular and other accidents and accidental death for such persons compared to nonusers of alcohol. Nutrition also suffers and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse can cause any or

intoxication      Patterns of use and associated effects are similar to cocaine. Severe

In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop HIV, hepatitis, tetanus ("lock jaw"), and infections in the heart. Permanent damage or death can result.

Alcohol and drug use increase the risk of sexual assault and other violence.

## **APPENDIX B**

### **Availability of Counseling, Treatment and Rehabilitation**

Use of alcohol or other substances may be the way one has learned to cope with personal stress.

- Alcoholics Anonymous and Narcotics Anonymous groups in the San Antonio area can be located online at: [www.aasanantonio.org](http://www.aasanantonio.org) or at [www.eanaonline.org](http://www.eanaonline.org)

## **APPENDIX C**

### **Sanctions Under Applicable Laws**

The following is not a comprehensive list of all state and municipal statutes and penalties. This is an overview summary of some statutes and attendant penalties for violation of such statutes. Statutes may also have enhanced penalties for subsequent offenses. The penalties described

materials (such as gelatin capsules or plastic envelopes) or scales/balances used for drug weighing a Class A misdemeanor.

- Section 220.60 makes criminal possession of certain “precursors” of controlled substances used in their preparation and manufacture (such as ergot or diethyl amide), without possession of the drugs themselves, a Class E felony.
- Under the Penal Law, a gift of drugs, including marijuana, is treated as a sale.

New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but not more than one year. A felony is a crime punishable by imprisonment for more than one year.

- **Section 220 Controlled Substance Offenses and Sentences:**  
**Criminal Possession of a Controlled Substance:**

- 7th degree: Class A misdemeanor (up to one year in prison)

- **Criminal Possession or Sale of a Controlled Substance:**

- 5th degree: Class D felony (up to seven years)
- 4th degree: Class C felony (up to 15 years)
- 3rd degree: Class B felony (up to 25 years)
- 2nd degree: Class A II felony (minimum/maximum set by court)
- 1st degree: Class A I felony (minimum/maximum set by court).
- The degree of possession or sale depends on the amount of the controlled substance provided. All sentences are for first-time offenders.

#### Alcohol:

The following is not a comprehensive list of all state and municipal statutes and penalties. This is an overview summary of some statutes and attendant penalties for violation of such statutes. Statutes may also have enhanced penalties for subsequent offenses. The penalties described below are based on applicable California

- California Business & Professions Code, Section 25658. – It is illegal to sell, furnish or give any alcoholic beverage to anyone under 21 or to anyone who is obviously intoxicated. Anyone who sells or gives any alcoholic beverage to a person under age 21 is guilty of a misdemeanor. Penalty: Violator is assessed a \$1,000 fine and shall perform a minimum of 24 hours of community service. Penalty increases if injuries or death result from a person under age 21 drinking alcoholic beverages
- Anyone under the age of 21 who purchases or who consumes any alcoholic beverages in any on-sale premises is guilty of a misdemeanor. Penalty: First offense: Violator shall pay \$250 fine or perform 24–32 hours of community service.
- California Business & Professions Code, Section 25661. – It is illegal to sell or provide false evidence of age or identity and to anyone under age 21. Anyone under 21 who presents false evidence of age and identity is guilty of a misdemeanor. Penalty: First Offense: Punishment shall include a minimum fine of \$250 and/or performance of 24–32 hours of community service.
- California Business & Professions Code, Section 25662. – Any person under 21 years of age who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. Penalty: First Offense: Fine of \$250 or 24–32 hours of community service.
- California Business & Professions Code, Section 26665. – It is illegal for anyone under age 21 to enter or stay in a place licensed to sell liquor without a lawful reason to be there. Violation of this statute constitutes a misdemeanor and is punishable by a minimum fine of \$ 00.
- California Vehicle Code, Section 23140. – It is illegal for anyone under 21 who is intoxicated (blood alcohol level of .05) to drive vehicle. Penalty: First Offense: In addition to penalties for driving while intoxicated, a person under 21 who is intoxicated and drives a vehicle is guilty of a misdemeanor. Penalty: First Offense: Fine of \$250 or 24–32 hours of community service.

of driver's license, enrollment in a minimum 10-

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- Consumption or Possession of Alcohol by a Minor. The minimum penalty is a fine not to exceed \$500. The maximum penalty varies with number of offenses.
- Purchasing for or Furnishing of Alcohol to a Minor. The minimum penalty is a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both. The maximum penalty is a fine not to exceed \$4,000 or confinement in jail for a term not to exceed one year, or both.

imprisonment for not more than 20 years nor less than five years and a fine of not less than \$5,000 plus costs of investigation & prosecution.

- Distribution of Drugs to a Person Under 21 Years of Age. The minimum penalty is double the federal penalty for distribution of drugs. The maximum penalty is triple the federal penalty for distribution of drugs.

The federal penalties described above are based on applicable federal statutes and are subject to change at any time by Congress and the President. There are additional factors in the federal sentencing guidelines, including various enhancement provisions for prior offenses. Title 21 U.S.C. Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1,000 feet of a school or a public university.