



POLICY ON COMPLIANCE WITH THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989

AD-CO-PO-004

POLICY SCOPE

OLLU Faculty, Staff, & Students

POLICY

OLLU promotes an environment to prevent the use of illegal drugs and the abuse of alcohol by students and employees. In accordance with Texas State Law, OLLU does not permit the purchase, possession, use, sale, or consumption of alcohol by persons under 21 years of age. The OLLU University Police Department is responsible for the enforcement of state underage drinking laws. Federal law, state law, and University policy prohibit the possession, use, sale, manufacture, or distribution of any illegal drugs. The OLLU Police Department is responsible for the enforcement of both State and Federal drug laws. The OLLU Student Handbook and the Employee Handbook contain descriptions of additional community and employee standards pertaining to drugs and alcohol as well as sanctions for violations of policies and standards. A range of sanctions for student incidents include: fines, community retribution, substance abuse assessment(s) and counseling, loss of on-campus housing privilege, University probation, co-curricular suspension, expulsion and referrals for prosecution. Final decisions about sanctions will depend on the nature of each individual incident. Disciplinary sanctions for employees who violate policies can range from a warning to immediate discharge.

OLLU is committed to complying with the Drug-Free Schools and Communities Act of 1989, which requires OLLU to notify students and employees annually of certain information. This information includes: the standards of conduct related to illicit drugs and alcohol; a list of applicable sanctions under federal, state, or local laws stemming from violations related to illicit drugs and alcohol; a description of the health risks associated with the abuse of alcohol or use of illicit drugs; a list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available; a clear statement that the University will impose disciplinary sanctions for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.

OLLU contends the abuse of substances can have devastating effects on an abuser's physical health and spiritual well-being. Even those substances which one might consider mild can derail an abuser's personal, academic and professional life. The following information is from the Drug Enforcement Agency publication regarding [Health Risks of Controlled Substances](#). Additionally, the following OLLU departments/programs provide educational awareness, resources, and referrals or assessments to treat such abuse of alcohol and other drugs:

- [Counseling Services](#)
- [Therapy Assistance Online](#)

- [Health Services](#)
- [OLLU Cares](#)

DRUG POSSESSION, INGESTION OR INHALATION

The possession, use, sale, manufacture, or distribution of any illegal drugs, other controlled substances and drug related paraphernalia is not tolerated. Residence Life staff members are especially concerned with behaviors that violate or interfere with rights of others and the dignity of self. Of primary importance to the university community are the following regulations:

- **Section 481.112**, Texas Health and Safety Code, deals with Manufacture Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 200 grams is a 1st degree felony; more than 200 grams and less than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$250,000 fine.
- **Section 481.1121**, Texas Health and Safety Code, deals with Manufacture Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 2nd degree felony; number of abuse units more than 80 and less than 4000 is a 1st degree felony; more than 4000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.
- **Section 481.113**, Texas Health and Safety Code, deals with Manufacture Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.
- **Section 481.114**, Texas Health and Safety Code, deals with Manufacture Penalty Group 3 and 4 drug offenses: less than 28 grams is a state jail felony; more than 28 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.
- **Section 481.1151**, Texas Health and Safety Code, deals with Possession Penalty Group 1- A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 3rd degree felony; number of abuse units more than 80 and less than 4000 is a 2nd degree felony; more than 4000 units and less than 8000 units is a 1st degree felony; and more than 8000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.
- **Section 481.116**, Texas Health and Safety Code, deals with Possession Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.
- **Section 481.117**, Texas Health and Safety Code, deals with Possession Penalty Group 3 drug offenses: less than 28 grams is a Class A misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.
- **Section 481.118**, Texas Health and Safety Code, deals with Possession Penalty Group 4 drug offenses: less than 28 grams is a Class B misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.
- **Section 481.120**, Texas Health and Safety Code, deals with delivery of marijuana offenses: less than one quarter ounce is a Class B misdemeanor if delivery is without compensation; less than one quarter ounce is a Class A misdemeanor if delivery is for compensation; more than one quarter ounce and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 2nd degree felony; more than 50 pounds and less than 2000 pounds is a 1st degree felony; and more than 2000 pounds is life imprisonment or a term of 10 to 99 years and a fine not to exceed \$100,000
- **Section 481.121**, Texas Health and Safety Code, deals with possession of marijuana offenses: less than 2 oz. is a Class B misdemeanor; more than 2 oz. and less than 4 oz. is a Class A misdemeanor; more than 4 oz. and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 3rd degree felony; more than 50 pounds and less than 2000 pounds is a 2nd degree felony; and more than 2000 pounds is life imprisonment or a term of 5 to 99 years and a fine not to exceed \$50,000.

- **Section 481.122**, Texas Health and Safety Code deals with the offense of the delivery of a controlled substance or marijuana to a minor (17 years of age or younger) and provides that the offense is a 2nd degree felony punishable by imprisonment for a term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.
- **21 U.S.C.S. § 844(a)**. For the first conviction: up to one (1) year of imprisonment and fine of at least \$1,000, or both. After one (1) prior drug conviction: at least fifteen (15) days' imprisonment, not to exceed two (2) years, and fine of at least \$2,500. After two (2) or more prior drug convictions: At least ninety (90) days' imprisonment, not to exceed three (3) years, and fine of at least \$5,000. The special sentencing provisions for possession of flunitrazepam (the "date rape drug") include imprisonment not to exceed three (3) years and fine of at least \$1,000. In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.
- **21 U.S.C.S. §§ 853(a) and 881(a)**. This statute allows for the forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year of imprisonment. Additionally, this allows for the forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, boats, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.
- **20 U.S.C.S. § 1091(r)**. A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified as follows. If convicted of an offense involving the possession of a controlled substance: first (1st) offense, the student is ineligible for one (1) year; second (2nd), offense, the student is ineligible for two (2) years; third (3rd) offense, the student is ineligible indefinitely. If convicted of an offense involving the sale of a controlled substance, the penalty for the first (1st) offense is an ineligibility period of two (2) years; the penalty for a second (2nd) offense is ineligibility for an indefinite period. A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period if (a) the student satisfactorily completes a drug rehabilitation program that (i) complies with such criteria as prescribed by regulations and (ii) includes two (2) unannounced drug tests; (b) the student successfully passes two (2) unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (c) the conviction is reversed, set aside, or otherwise rendered not valid.
- **21 U.S.C.S. § 862**. The following penalties are for possession of a controlled substance. Penalties are increased for trafficking. Denial of federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to one (1st) offense up to 5 years, for the (2nd) offense up 10 years and subsequent conviction for the (3rd) offense.
- [Federal Drug Penalties](#)

ALCOHOL

OLLU police officers enforce Texas Alcoholic Beverage Code, Chapter 106, laws regulating the use of alcoholic beverages and underage drinking. Officers may issue court appearance citations or affect an arrest if required by law. Regarding the consumption of alcohol by persons of legal drinking age, local, state and federal laws must be observed at all times. Of primary importance to the university community are the following regulations:

- **Sections 106.04, 106.071, and 106.115**, Texas Alcoholic Beverage Code, provide that the offense of consumption of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.
- **Sections 106.05, 106.071, and 106.115**, Texas Alcoholic Beverage Code, provide that the possession of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

- **Section 106.03**, Texas Alcoholic Beverage Code, provides that the penalty for selling alcohol to a minor is a Class A misdemeanor.
- **Section 106.06**, Texas Alcoholic Beverage Code, provides that the penalty for purchasing alcohol for a minor or giving or making available an alcoholic beverage to a minor is a Class A misdemeanor.
- **Sections 106.07, 106.071, and 106.115**, Texas Alcoholic Beverage Code, provide that the penalty for misrepresentation of age by a minor to a person selling or serving alcoholic beverages is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the offender is a minor previously convicted twice for alcohol-related offenses, a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both fine and imprisonment; community service of 8 to 40 hours; suspension of Texas Driver's License for 30 to 180 days and attendance at an alcohol awareness program.
- **Section 106.06**, Texas Alcoholic Beverage Code, provides that the penalty for purchasing alcohol for a minor or giving or making available an alcoholic beverage to a minor is a Class A misdemeanor.
- **Section 49.02**, Texas Penal Code, provides that the offense of public intoxication where a person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor, unless the person is younger than 21 years old, wherein Sections 106.071 and 106.115, Texas Alcoholic Beverage Code apply and provide for a Class C misdemeanor punishment and attendance at an alcohol awareness program, and where the offender has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.
- **Sections 49.04, 49.09**, Texas Penal Code, provide that the offense of driving while intoxicated is punishable as a Class B misdemeanor with a minimum term of confinement of 72 hours unless the driver had an open container of alcohol in his possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of six days in jail. One prior conviction enhances the punishment to a Class A misdemeanor with a minimum term of confinement of 30 days; two prior convictions enhances the punishment to a 3rd degree felony.
- Texas Alcohol Related Laws for Minors