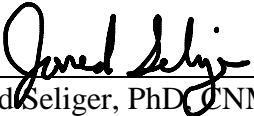


**ALLEN COLLEGE – UNITYPOINT HEALTH  
STANDARD OPERATING PROCEDURE**

Supersedes: 6/96 (old #2.01.07.01)  
8/92, 10/97, 7/13, 3/16, 07/17

No: 2-D-800-01  
Last Review Date: December 2018  
Required Review Date: July 2021  
Administrative Unit: Dean of Student Services  
Approved By:

  
\_\_\_\_\_  
Jared Seliger, PhD, CNMT  
President

**SUBJECT:** Drug and Alcohol Abuse Prevention

**PURPOSE:** To educate students, faculty and staff of Allen College on the standards of conduct, legal sanctions, health risks, drug and alcohol programs and disciplinary sanctions related to drug and alcohol use.

**POLICY:** Allen College, in compliance with the Drug-Free Schools and Communities Act (<http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>), prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on College property or as part of any of its activities. Furthermore, Allen College prohibits the unauthorized use, possession, or delivery of prescription drugs or medications in the work/school setting.

The College recognizes chemical dependency as an illness and a major health problem. It also recognizes substance abuse as a potential health, safety and security problem. Associates and students are expected to perform College responsibilities in a condition appropriate to the level of quality and attention required.

**PROCEDURES:**

Upon admission and each fall semester, students view the AOD (Alcohol and other Drug) presentation. All associates view the AOD annually in the fall. The AOD consists of the following:

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- i. College drug & drinking facts
- ii. Consequences of drugs & drinking
- iii. Prevention programs
- iv. Allen College policies
- v. Health risks
- vi. Treatment options
- vii. How to change the culture – questions for students, faculty & staff

All students and associates are annually provided access to the U.S. Department of Justice Drug Enforcement Administration guide to Drugs of Abuse and the Iowa Drug Control Strategy, including the types of illegal drugs that are associated with health risks and federal and state penalties.

### *Federal Law*

- Federal law prohibits, among other things, the manufacturing, distributing, selling and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for trafficking marijuana range from up to five years' imprisonment and a fine of up to \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g., methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of small amounts of controlled substances, including marijuana, range from up to one year in prison or a fine of at least \$1,000. Penalties are more severe for subsequent offenses.
- Convictions for federal drug offenses can also result in the loss of eligibility for federal financial aid.

### State and Local Laws

State and local laws also provide penalties for violations of laws relating to the unlawful manufacture, sale, or use or possession of drugs and alcohol. Penalties range from small fines to imprisonment, depending on the violation and past criminal history of the individual. Some of the most relevant state laws and local ordinances are summarized below.

#### *Driving While Intoxicated (Iowa Code § 321J.2)*

- A person commits the offense of operating while intoxicated if the person operates a motor vehicle in the state of Iowa in any of the following conditions: (a) while under the influence of an alcoholic beverage or other drug or a combination of such substances; (b) while having an alcohol concentration of .08 or more; or (c) while any amount of a controlled substance is present in the person, as measured in the person's blood or urine.
- Subject to possible deferred judgement and imposition of probation at the court's discretion, a first offense results in imprisonment of at least 48 hours (up to one year), a fine of not less than \$1,250 (subject to reduction at the court's discretion if incident did not result in personal or property injury), revocation of the person's driver's license for a minimum of 180 days and up to one year, and assignment to substance abuse evaluation/treatment and other educational programs. Subsequent offenses can result in more severe penalties.

#### *Open Containers in Motor Vehicles (Iowa Code §§ 321.284 and 321.284A)*

- It is unlawful for a driver or passenger in motor vehicle to possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment.

An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

- A violation can result in a fine of \$200.

*Public Intoxication (Iowa Code § 123.46)*

- It is unlawful to use or consume alcohol in any public place (except premises covered by a liquor control license) or to be intoxicated in public place.
- A violation can result in a fine between \$65 and \$625 and/or imprisonment up to 30 days.

*Underage Possession and Consumption (Iowa Code §§ 123.3 and 123.47)*

- The “legal age” in Iowa is 21 years of age or older.
- It is unlawful for a person under the legal age to purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control. (there are some limited exceptions, e.g., handling alcohol during regular course of the person’s employment). A first offense by someone 18-20 years of age can result in a fine of \$200. Subsequent offenses can result in higher fines, substance abuse evaluations, and suspension of motor vehicle operating privileges for up to one year. The court may also, in its discretion, order community service instead of imposing a fine.
- It is unlawful for a person of legal age to sell, give, or otherwise supply any alcoholic beverage to a person under legal age. The minimum fine for doing so is \$500, but the penalty could be as much as a \$1,875 fine and imprisonment up to one year. More severe penalties are available if the violation results in serious injury or death to any person.

*Drug Laws (Iowa Code § 124.401)*

- A first time offense for possession of marijuana can result in up to 6 months in prison and a fine up to \$1,000. Subsequent offenses can result in more severe penalties.
- A first time offense for possession of other types of controlled substances can result in up to one year in prison and a fine up to \$1,875. Subsequent offenses can result in more severe penalties.
- It is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance, a simulated controlled substance, or an imitation controlled substance. Penalties depend on the type and amount of substance involved, but can include up to fifty years in prison and up to a \$1 million fine. Aggravating factors, such as distributing controlled substances near a school zone or carrying a firearm while doing so, can also result in enhanced penalties.

*Waterloo Ordinances*

In addition to or conjunction with the federal and state sanctions that could be imposed, the city of Waterloo also has two ordinances related to drugs and alcohol that could result in legal penalties.

- Drug Paraphernalia (Waterloo City Code § 5-2-12)
  - It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
  - It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
  - The city of Waterloo can impose a penalty in line with the maximum allowed by state law, in addition to any alternative relief ordered by the court.
- Chronic Nuisance Properties (Waterloo City Code § 5-5)
  - No person shall use or allow any property to be used as a chronic nuisance property.
  - Any property that has generated three (3) or more calls for police services in any period less than twelve (12) months for nuisance activities (which includes, but is not limited to, drug and liquor violations) that result in an enforcement action is a chronic nuisance property and has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the City of Waterloo. As such, the Waterloo Police Department may charge the owners of such property the costs associated with providing police services, in the form of a police service fee, at properties at which nuisance activities chronically occur. Any nuisance activities reported by the owner of the property, a person designated by the owner of the property, or that are deemed as domestic abuse, shall not be counted.
  - Any person who violates or resists the enforcement of any of the provisions of this chapter shall be guilty of a Municipal infraction punishable by a civil penalty of one hundred dollars (\$100.00) for the initial offense and two hundred dollars (\$200.00) for each repeat offense. Any person who violates a provision of this chapter after having previously been found guilty of violating the same provision of this chapter at the same location shall be guilty of a repeat offense.
  - Seeking a civil penalty as authorized in this section does not preclude the City from seeking alternative relief, including, but not limited to, any order for abatement or injunctive relief from the court in the same action or as a separate action.

All students and associates are annually given this policy stating that Allen College is a Drug-free environment, information on applicable sanctions, and extensive information concerning the effects of drug use and abuse.

Allen College will review the effectiveness and consistency of policy enforcement by completing a biennial review of the AOD (Alcohol and other Drug) program. Changes to the AOD program will be made based on the results of the biennial review.

There are a vast array of health risks associated with alcohol abuse and illicit drug use, including, but not limited to: depression; liver and kidney disease; psychosis and impaired thinking; heart attack; seizures; strokes; high blood pressure; violent outbursts; paranoia; anxiety; increased risk of birth defects and developmental issues during and after pregnancy. For more information about the health risks associated with alcohol and other types of drugs, please visit <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts> and

Students are subject to disciplinary action by Allen College and/or the student's clinical site for infractions of this policy. Students of Allen College should refer to their clinical sites policies and procedures regarding specifics on definitions, work rules and disciplinary action. Allen College or the clinical site may also include as sanction the referral of violators for investigation to the appropriate authorities. Students should also refer to policy 2-D-100-01, Disciplinary Action, regarding possible sanctions as a student of Allen College, which includes, but is not limited to probation, suspension or dismissal. All disciplinary action shall be consistent with local, state, and federal law.

Associates are subject to disciplinary action by Allen College and UnityPoint Health – Allen Hospital for infractions of this policy. Associates of Allen College should refer to UnityPoint Health – Allen Hospital Policy on Maintaining a Drug-Free Workplace regarding specifics on definitions, work rules and disciplinary action, which includes, but it not limited to written warnings, suspension of employment, or termination. Allen College or the clinical site may also include as a sanction the referral of violators for investigation to the appropriate authorities. All disciplinary action shall be consistent with local, state, and federal law.

Drug and alcohol abuse counseling is available to all students and associates through the Employee Assistance Program (EAP) of UnityPoint Health – Allen Hospital. The EAP counselors maintain strict confidentiality of client contacts and are available for all students and associates. You may contact EAP at (319) 235-3550.

Additional Resources:

Pathways Behavioral Services  
3362 University Ave.  
Waterloo, IA 50701  
(319) 235-6571  
<http://www.pathwaysb.org/>

Cedar Valley Recovery Services  
2603 Rainbow Dr.  
Cedar Falls, IA 50613  
(319) 277-5808  
<http://www.cvrinc.com/>