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## **DRUGS AND ALCOHOL POLICY – MT CAMPUS**

**Date of Initial Approval:** 6/1/2017

**Date Revised:** 3/7/2024

**Category:** 3.0 Administration & Governance

**Responsible Department:** Compliance Office and Campus Security

**Stakeholders Involved in Review:** Office of Compliance, Medical Response Team, Leadership Council

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### **PURPOSE & SCOPE**

Rocky Vista University (RVU) is committed to cultivating a drug and alcohol-free work place and maintaining a standard of conduct for employees and students that discourages the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, public campus areas or at University affiliated events held on or off-campus. For RVU employees, compliance with this policy is a term and condition of employment. For RVU students and student organizations, compliance with this policy is a term and condition of continued enrollment and organizational registration.

### **POLICY STATEMENT**

Pursuant to the requirements of the Drug-Free School and Community Act Amendments of 1989 30 CFR 86; HEA Sec. 120; (PL 101-226), RVU has adopted and implemented drug and alcohol policies and programs designed to prevent drug and alcohol problems within the University setting. The policies and programs are designed to identify problems at the earliest stage, motivate the affected individuals to seek help, and to direct the individual toward the best assistance available.

#### Alcohol and Drug-Free Policy

RVU is an alcohol and drug-free campus, with the exception of special events that are approved by the RVU President, Provost, or College Dean for the use of alcohol. As set forth in local, state, and Federal laws, and the rules and regulations of the University, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on campus-controlled property is strictly prohibited. All drug and alcohol laws are vigorously enforced.

#### Disciplinary Sanctions

Through established disciplinary procedures, the University will impose sanctions upon students and employees, who unlawfully use, possess, sell or distribute drugs or unlawfully use or abuse alcohol on RVU property, or as part of any University employment or activity. Depending on the circumstances, these sanctions may range from a warning or a suspension, to a maximum of expulsion or termination of employment. Students and employees who violate the University's regulations are also subject to referral by the Campus Safety and Security Department to the appropriate legal entities for criminal prosecution.

#### Amnesty for Alcohol and/or Drugs in Sexual Misconduct Investigations

While a student or employee may be hesitant to come forward and file a sexual misconduct investigation request out of concern that the complainant was using or was under the influence of alcohol or illegal drugs at the time of the alleged incident, RVU's primary interest and responsibility in such situations is in investigating

claims of alleged sexual violence. Substance use itself does not assign culpability to a Reporting Party for sexual violence against them. Other rules violations will be addressed separately from a sexual violence allegation.

Drug and Alcohol Testing

RVU has Drug and Alcohol Testing policies for both employees and students. Please refer to the RVU Drug and Alcohol Testing Policy for Students or the RVU Drug and Alcohol Testing Policy for Employees for more information.

**ROLES & RESPONSIBILITIES**

<b>COM Deans, Program Directors</b>	Works with allegations of student violations, investigates, and decides on sanctions if student is in violation. (May consult with Provost)
<b>Human Resources</b>	Works with allegations of employee violations, investigates, and decides on sanctions if employee is in violation. (May consult with President)
<b>Compliance Office</b>	Ensures this policy is disseminated through annual notification as required by the Drug-Free Schools and Communities Act
<b>Campus Safety and Security</b>	Reports any known issues of use of drugs or alcohol to Deans, Program Directors, or HR. Mitigates risk of any harm whenever possible by removing person if disruptive or a danger to self or others.

**RELATED PROCESSES, PROCEDURES, AND/OR DEFINITIONS**

Appendix 1 – MONTANA DRUG AND ALCOHOL LAWS AND REGULATIONS

Appendix 2 – HEALTH RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL OR DRUGS

Appendix 3 – ALCOHOL AND DRUG TREATMENT AND COUNSELING PROGRAMS

**POLICY REVISION HISTORY**

06/01/2017 Original policy put in place pursuant to the Drug-Free Schools and Communities Act

03/07/2024 Revised to include roles and responsibilities and decision-making for the use of alcohol at RVU events.

**APPENDIX 1**

**Montana State Alcohol Law**

Montana State Law allows a person who has reached his/her 21st birthday to possess and/or consume alcoholic beverages. Students and employees may be required to present valid identification to verify the fact that they are 21 years of age and can legally consume alcohol. Thus, alcohol may be consumed only by people of legal age at approved functions on University premises. Furthermore, the distribution and consumption of alcohol at University events must comply with the guidelines set forth in the University’s Drug and Alcohol policy and all State and Local Laws.

**Penalties for a DUI in Montana**

61-8-1007. Penalty for driving under influence -- first through third offenses.

(1) (a) Except as provided in subsection (1)(b) or (1)(c), a person convicted of a violation of 61-8-1002(1)(a) shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000;

(ii) for a second violation, by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than \$2,400 or more than \$4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.

(b) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(2) (a) Except as provided in subsection (2)(b) or (2)(c), a person convicted of a violation of 61-8-1002(1)(b), (1)(c), or (1)(d) shall be punished as follows:

- (i) for a first violation, by imprisonment for not more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than 6 months and by a fine of not less than \$1,200 or more than \$2,000;
- (ii) for a second violation, by imprisonment for not less than 5 days or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days or more than 1 year and by a fine of not less than \$2,400 or more than \$4,000; or
- (iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.
- (b) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-1008.
- (c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).
- (d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.
- (e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:
- (i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;
- (ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and
- (iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

#### **How much do you have to drink (BAC\*) for a DUI in Montana?**

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**Under 21**

**.02%**

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21 or older

.08% or .04%, if you are driving a commercial vehicle. \*Depending on the circumstances of your arrest, you may be charged with a DUI even if you have a BAC that is within the legal limits above.

\*BAC = blood alcohol content

### What if you refuse to take a chemical test in Montana?

Montana has an implied consent law. That means that if you refuse to submit to a chemical test you will be subject to a possible fine and automatic license suspension. To learn more, see [Montana's implied consent law](#).

[https://leg.mt.gov/bills/mca/title\\_0610/chapter\\_0080/part\\_0100/section\\_0160/0610-0080-0100-0160.html](https://leg.mt.gov/bills/mca/title_0610/chapter_0080/part_0100/section_0160/0610-0080-0100-0160.html)

### Montana Drug Possession – Laws & Penalties

#### Marijuana

As of January 1, 2021, adults 21 and over may possess and use up to one ounce of marijuana with no criminal penalties.

However, marijuana consumption and possession (including medical marijuana) remains prohibited in public and certain other locations. It is also prohibited under federal law on all federal lands and waters. Marijuana (except medical marijuana) is prohibited in hospitals and other health care facilities.

Operating a motor vehicle under the influence of marijuana remains illegal.

Contact your local law enforcement agency for more information.

**45-9-102. Criminal possession of dangerous drugs.** Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

See Montana Law for penalties.

[https://leg.mt.gov/bills/mca/title\\_0450/chapter\\_0090/part\\_0010/section\\_0020/0450-0090-0010-0020.html](https://leg.mt.gov/bills/mca/title_0450/chapter_0090/part_0010/section_0020/0450-0090-0010-0020.html)

#### Federal Drug Trafficking Penalties

- Please see: <https://www.dea.gov/drug-policy-information>

#### RVU Drug Policy

The legal status of controlled substances, including marijuana, shall be determined by Federal Law, Not State Law. RVU will not tolerate or accommodate the use of any illegal drugs by its employees or students.

**APPENDIX 2****HEALTH RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL OR DRUGS**

The U.S. Department of Justice provides information on the effects of alcohol and commonly used drugs. This information is provided below and can also be found on the U.S. Department of Justice website at:

<http://www.justice.gov>

**Alcohol Information**

**Alcohol:** Alcohol consumption causes a number of marked changes in behavior. Even a low amount can significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate amounts of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high amounts of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high amounts cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower amounts of alcohol will produce the effects described here.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and the liver.

Females who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at a greater risk of becoming alcoholics themselves.

Because alcohol affects many organs in the body, long-term heavy drinking puts people at risk for developing serious health problems, some of which are described below.

**Alcohol-Related Liver Disease:** More than 2 million Americans suffer from alcohol-related liver disease. Some drinkers develop alcoholic hepatitis, or inflammation of the liver, as a result of long-term heavy drinking. Its symptoms include fever, jaundice (abnormal yellowing of the skin, eyeballs, and urine), and abdominal pain. Alcoholic hepatitis can cause death if drinking continues. If drinking stops, this condition often is reversible. About 10 to 20 percent of heavy drinkers develop alcoholic cirrhosis, or scarring of the liver. Alcoholic cirrhosis can cause death if drinking continues.

**Heart Disease:** Moderate drinking can have beneficial effects on the heart, especially among those at greatest risk for heart attacks, such as men over the age of 45 and women after menopause. But long-term heavy drinking increases the risk for high blood pressure, heart disease, and some types of stroke.

**Cancer:** Long-term heavy drinking increases the risk of developing certain forms of cancer, especially cancer of the esophagus, mouth, throat, and voice box. Women are at slightly increased risk of developing breast cancer if they drink two or more drinks per day. Drinking may also increase the risk for developing cancer of the colon and rectum.

**Pancreatitis:** The pancreas helps to regulate the body's blood sugar levels by producing insulin. The pancreas also has a role in digesting ingested food. Long-term heavy drinking can lead to pancreatitis, or inflammation of the pancreas. This condition is associated with severe abdominal pain and weight loss and can be fatal.

### Drug Information

**Methamphetamine:** Methamphetamine releases high levels of the neurotransmitter dopamine which stimulates brain cells enhancing mood and body movement. It also appears to have a neurotoxic effect damaging brain cells that contain dopamine and serotonin, another neurotransmitter. Over time, methamphetamine appears to cause reduced levels of dopamine, which can result in symptoms like those of Parkinson's disease, a severe movement disorder. Users may become addicted quickly and use it with increasing frequency and in increasing doses. The central nervous system (CNS) actions that result from taking even small amounts of methamphetamine include increased wakefulness, increased physical activity, decreased appetite, increased respiration, hyperthermia, and euphoria. Other CNS effects include irritability, insomnia, confusion, tremors, convulsions, anxiety, paranoia, and aggressiveness. Hyperthermia and convulsions can result in death. Methamphetamine causes increased heart rate and blood pressure and can cause irreversible damage to blood vessels in the brain, producing strokes. Other effects of methamphetamine include respiratory problems, irregular heartbeat, and extreme anorexia. Its use can result in cardiovascular collapse and death.

**Cocaine:** Cocaine is a strong central nervous system stimulant that interferes with the re-absorption process of dopamine, a chemical messenger associated with pleasure and movement. Dopamine is released as part of the brain's reward system and is involved in the high that characterizes cocaine consumption. The physical effects of cocaine use include constricted peripheral blood vessels, dilated pupils, and increased temperature, heart rate, and blood pressure. The duration of cocaine's immediate euphoric effects, which include hyper-stimulation, reduced fatigue, and mental clarity, depends on the route of administration.

High doses of cocaine and/or prolonged use can trigger paranoia. Smoking crack cocaine can produce a particularly aggressive paranoid behavior in users. When addicted individuals stop using cocaine, they often become depressed, which may lead to further cocaine use to alleviate depression. Prolonged cocaine snorting can result in ulceration of the mucous membrane of the nose and can damage the nasal septum enough to cause it to collapse. Cocaine-related deaths are often a result of cardiac arrest or seizures followed by respiratory arrest.

**Heroin:** Heroin abuse is associated with serious health conditions including fatal overdose, spontaneous abortion, collapsed veins, and infectious diseases, including HIV/AIDS and hepatitis. Mental functioning becomes clouded due to depression of the central nervous system. Long-term effects of heroin appear after repeated use

for some period of time. Chronic users may develop collapsed veins, infection of the heart lining and valves, abscesses, cellulitis, and liver disease. Pulmonary complications, including various types of pneumonia, may result from the poor health condition of the abuser, as well as from heroin's depressing effects on respiration.

**Marijuana:** Recent research findings indicate that long-term use of marijuana produces changes in the brain similar to those seen after long-term use of other major drugs of abuse.

Someone who smokes marijuana regularly may have many of the same respiratory problems as tobacco smokers. These individuals may have daily cough and phlegm, symptoms of chronic bronchitis, and more frequent chest colds. Continuing to smoke marijuana can lead to abnormal functioning of lung tissue injured or destroyed by marijuana smoke.

**MDMA (Ecstasy):** MDMA causes injury to the brain, affecting neurons that use the chemical serotonin to communicate with other neurons. The serotonin system plays a direct role in regulating mood, aggression, sexual activity, sleep, and sensitivity to pain. Many of the risks users face with MDMA use are similar to those found with the use of cocaine and amphetamines, such as: psychological difficulties including confusion, depression, sleep problems, drug craving, severe anxiety, and paranoia – during and sometimes weeks after taking MDMA; physical symptoms such as muscle tension, involuntary teeth clenching, nausea, blurred vision, rapid eye movement, faintness, and chills or sweating; and increases in heart rate and blood pressure, a special risk for people with circulatory or heart disease. There is also evidence that people who develop a rash that looks like acne after using MDMA may be risking severe side effects, including liver damage, if they continue to use the drug.

**Rohypnol, GHB, and Ketamine:** Coma and seizures can occur following abuse of GHB and, when combined with methamphetamine, there appears to be an increased risk of seizure. Combining use with other drugs such as alcohol can result in nausea and difficulty breathing. GHB may also produce withdrawal effects, including insomnia, anxiety, tremors, and sweating. In October, 1996, because of concern about Rohypnol, GHB, and other similarly abused sedative-hypnotics, Congress passed the “Drug-Induced Rape Prevention and Punishment Act of 1996.” This legislation increased federal penalties for use of any controlled substance to aid in sexual assault.

**LSD:** The effects of LSD are unpredictable. They depend on the amount taken; the user’s personality, mood, and expectations; and the surroundings in which the drug is used. Usually, the user feels the first effects of the drug 30 to 90 minutes after taking it. The physical effects include dilated pupils, higher body temperature, increased heart rate and blood pressure, sweating, loss of appetite, sleeplessness, dry mouth, and tremors.

LSD is not considered an addictive drug since it does not produce compulsive drug-seeking behavior as do cocaine, amphetamine, heroin, alcohol, and nicotine. However, like many of the addictive drugs, LSD produces tolerance, so some users who take the drug repeatedly must take progressively higher doses to achieve the state of intoxication they had previously achieved. This is an extremely dangerous practice, given the unpredictability of the drug. The National Institute on Drug Abuse (NIDA) is funding studies that focus on the neurochemical and behavioral properties of LSD. This research will provide a greater understanding of the effects of the drug.



## APPENDIX 3

## ALCOHOL AND DRUG TREATMENT AND COUNSELING PROGRAMS

- RVU Counseling Services
  - Student Services 720-875-2896
- ESI Employee Assistance Group  
[ESI GROUP : Welcome \(lifeadvantages.net\)](https://lifeadvantages.net)  
800-252-4555
- Alcoholics Anonymous
  - <https://www.aa-montana.org/>
  - 406-252-0677
- Narcotics Anonymous
  - <https://www.namontana.org/>
  - 800-990-6262
- <https://alcoholicsanonymous.com/aa-meetings/montana/>
- <https://www.narcotics.com/na-meetings/montana/>
- <https://www.rehab.com/montana>