

# Drug and Alcohol Policy

Missouri Valley College policies prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the school's property or as part of any of the school's activities. The only exception to this provision applies to moderate consumption and/or possession of alcohol on College premises at approved functions by those legally permitted to consume or distribute alcohol. Such functions must comply with all applicable MVC guidelines.

## Institutional Sanctions

Violations of standards related to drugs and alcohol by a student or employee will result in appropriate discipline under the applicable College disciplinary system.

- *Students:* Student incidents involving drugs and alcohol are processed under the Student Code of Conduct. Possible sanctions include warning, probation, suspension, expulsion, alcohol and/or drug assessment, fine, counseling, educational project or program, and removal of privileges.
- *Student Organizations:* Student organizations that violate standards related to drugs and alcohol are also subject to sanctions, including probation and removal of recognized student organization status.
- *Employees:* Employee policies regarding drugs and alcohol are located in the Faculty Handbook and Staff Handbook. Employee incidents involving drugs and alcohol are investigated and resolved by the employee's senior/cabinet level supervisor. Possible sanctions for employees include warning, suspension and termination of employment. In addition, the employee may be required to participate in an alcohol and/or drug assistance program. The employee shall bear the cost of participation in such a program.
- *Notification of Conviction:* An employee who is convicted under any criminal drug statute for a violation occurring during the course of their employment or during work time must notify the Human Resource Manager of the conviction within five days of the date of conviction.
- *Employee Screening:* The College may require a drug/alcohol test in the event of any accident involving College-owned vehicles or property or in the event there is reasonable cause to suspect the individual is under the influence of or consuming alcohol or illegal drugs during working hours.
- *Criminal referral:* Students and employees may also be referred for criminal investigation and prosecution for the illegal use of drugs and alcohol.

## Relevant Laws and Potential Legal Sanctions

Students and employees are expected to abide by federal, state, and local laws related to drugs and alcohol. A summary of several of these laws and potential legal sanctions is as follows:

### *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 a student's loss of eligibility for federal financial aid.

### Missouri Laws

Missouri laws also provide penalties relating to the unlawful manufacture, sale, or use or possession of drugs and alcohol. Sanctions range from small fines to imprisonment, depending on the violation and past criminal history of the individual. Some of the most relevant state laws are discussed below.

#### Category Summary (Missouri Revised Statutes)

**Possession of Marijuana** Missouri's law regarding marijuana possession is found at Mo. Rev. Stat. § 579.015. It indicates possessing not more than ten grams of marijuana is a Class D misdemeanor, which is punishable by a \$500 fine. Possessing more than 10 grams but less than 35 grams of marijuana is a class A misdemeanor, punishable by a fine of \$2,000 and up to 1 year in prison.

Missouri statutes cover a wide range of offenses related to controlled substances. See Mo. Rev. Stat. § 579.015 et seq. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. These vary widely by the type of drug,

**Controlled Substances** amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. Trafficking controlled substances will result in more severe penalties.

As an example, possession of heroin is a class D felony that is punishable by a fine of up to \$10,000 and 7 years in prison.

It is illegal for anyone under the age of 21 to possess or consume alcohol. Mo. Rev. Stat. § 311.325. A first offense is a Class D misdemeanor, and subsequent offenses are punishable as Class A misdemeanors. It is also illegal to use fake identification for the purpose of obtaining alcohol, and doing so may result in a \$500 fine. Mo. Rev. Stat. § 311.320. Courts could also potentially impose

**Alcohol & Minors** other penalties like probation, community service, driver's license suspension, and alcohol education or treatment when a minor violates the state's alcohol laws.

It is illegal to supply alcohol to any person under the age of twenty-one years of age. Mo. Rev. Stat. § 311.310. A violation is a misdemeanor and the sentence may include a fine of up to \$1000 and/or a prison sentence of 1 year.

**Driving While Intoxicated (DWI)** A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition. Mo. Rev. Stat. § 577.010. A violation is a Class B misdemeanor, which is punishable by a fine of \$1,000 and 6 months in prison. Increased penalties are available for subsequent offenses and other aggravating circumstances (e.g., getting a DWI while transporting a person less than 17 years of age).

### Marshall Ordinances

In addition to or in conjunction with the federal and state sanctions that could be imposed, the city of Marshall also has ordinances related to drugs and alcohol that could result in fines of up to \$500 and/or imprisonment of up to 3 months. These ordinances cover public intoxication, misrepresentation of age by a minor in order to purchase or otherwise receive alcohol, providing alcohol to minors, and operating a motor vehicle while in an intoxicated or drugged condition.

## Health Risks

There are a vast array of health risks associated with chronic drug and alcohol 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 particular types of drugs, please visit <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

## Resources

Below is a list of resources that are available to students and employees who are dealing with issues related to alcohol and drug abuse:

Student Health Services  
Malcolm Center 1<sup>st</sup> Floor  
Counselor's Phone (660) 831-4139  
Nurse's Number (660) 831-4012

Please contact the Vice President of Student Affairs or Director of Human Resources if you would like assistance in finding or contacting community resources.