



## 2014-2015

Dear Student:

In 1989, the U.S. Congress passed the Drug Free Schools and Campuses Act. This Act requires Creighton to provide enrolled students with various pieces of information regarding the unlawful use of drugs or alcohol on University property or at any University-sponsored event. The following information describes health risks, Creighton policies, legal sanctions, and available assistance, as well as disciplinary sanctions that might be imposed.

Should you have any questions about these policies, please contact my office.

**Tanya Winegard, Ph.D.**  
**Vice Provost for Student Life**

### Alcohol and the Creighton Student

Creighton University recognizes that alcohol is a major influence on today's college campus and that it has a responsibility to educate students and their families on University expectations regarding alcohol. Furthermore, Creighton recognizes that it must go beyond simply informing student and their families about the legal consequences resulting from alcohol use, as Creighton's response must also address the social realities of our students while continuing to promote and educate students about the benefits of living a healthy lifestyle. The following details Creighton's approach to alcohol education, the effects of alcohol on the human body, and the University's alcohol policies.

### Creighton's Approach to Alcohol Education

As is mentioned later in this section, Creighton's alcohol policies are straightforward and enforce state and federal law. It is the University's educational position, however, that calls for a response to alcohol education that goes beyond legal consequences. At Creighton, we believe the response to alcohol education must also meet the health and wellness needs of our students, while also taking into account the decisions they may choose to make as a result of their need to socialize.

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Creighton University expects its students to abandon high-risk drinking and teaches a low-risk approach to alcohol consumption entitled "**Blue Zone: Zero to Three.**" The **Blue Zone** is defined as the following:

**ZERO** drinks if underage, driving, pregnant or on medications.  
Never more than **THREE** drinks on any one occasion.  
*And remember: no more than **ONE** drink in an hour!*

Creighton University defines one (1) drink as: a 12 oz beer, a 5 oz glass of wine, or a 1.25 oz of liquor, either straight or mixed. This definition is consistent with the guidelines from the National Institute for Alcoholism and Alcohol Abuse. (Available at <http://www.niaaa.nih.gov>)

Educating students on this low-risk approach to alcohol consumption is Creighton's way of setting students up for success with the choices they are beginning to make as young adults. It is also an approach that challenges students to remember their responsibility to themselves and their own personal health as well as to the greater community.

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### Alcohol and the Body

Every person reacts differently to alcohol; some people are affected only slightly and others severely. Alcohol is a central nervous system depressant, which means the brain and spinal cord are affected and react more slowly when there is alcohol in a person's system. The more alcohol in the system, the more depressed is the central nervous system, and the greater effect. There are increased incidence of falls, accidents, vandalism, destruction of property, arguments, fights, acquaintance rape, other violence and risk-taking behavior when a person is under the influence of alcohol. There is diminished performance for 24-72 hours after having had too much to drink because of the by-products produced from the metabolism of alcohol.

Some people are more susceptible to becoming addicted to alcohol than are others. This addiction is more likely to occur if a person drinks alcohol regularly at a young age (before 18) and/or if a parent, grandparent, aunt, uncle, brother or sister has a history of alcohol abuse. There is, as yet, no way to know who is most susceptible to developing alcoholism or any other adverse health effects from alcohol.

### Creighton University's Alcohol Policies:

#### Creighton University defines misuse or abuse of alcohol as:

"Any alcohol-related behavior that adversely affects a person's life in regard to physical health, feelings of self-esteem, personal or family relationships, educational and occupational goals, or one's standing in regard to local, state or federal laws".

The University is committed to developing and sustaining University wide health norms to facilitate preventing problems related to drinking, providing resources for intervention and assistance, and maintaining a safe environment free of coercion for those who choose not to drink.

Thus, it is the position of Creighton University to promote informed choices about the responsible use of alcohol on its campus by all members of the community. Since it is important that people be aware of their responsibilities and University expectations, the following guidelines are set forth.

### CARE (Creighton Alcohol Recovery and Education):

To assist students in an understanding of the impact alcohol can have on their lives, CARE is a program implemented to care for intoxicated students who could be in danger of hurting themselves or others. It provides students with proper medical attention and a safe environment in which to recover.

### CARE Standard Operating Procedures for Intoxicated Students:

1. A student is identified as potentially being intoxicated by demonstrating impaired judgment, impaired reactions, decreased coordination or unresponsiveness.
2. A medical assessment and field sobriety tests are administered.
3. The student is transported to CUMC if determined appropriate by the medical assessment.
4. Parents are notified.
5. Student is assessed by a CUMC physician to determine course of action. At risk students are hospitalized or placed in CARE where they will be monitored by nursing staff and provided with fluids and food.
6. Student is released from CUMC with the approval of a CUMC physician, if the student is an on-campus resident, the Resident Director on Duty is notified.

7. The incident is documented and referred for disciplinary action, which normally results in a student status of disciplinary probation, withdrawal, suspension or expulsion; \$250 restitution fee; and educational sanctions.

8. If the student fails to comply with CARE Standard Operating Procedures the student may be immediately suspended or expelled from the University.

**Opportunities: CARE Alternative Course** - In response to concerns that students who have been to CARE face severe and long-lasting disciplinary consequences, the Center for Student Integrity has developed Opportunities: CARE Alternative Course. This program is an option for students who are compliant with University officials during the documentation of their CARE incident. Any student who is in failure to comply during an incident is not eligible for the program. Any student who has previously been to CARE is not eligible for the program. For more information, contact the Center for Student Integrity.

#### **Good Samaritan Provision:**

As a part of this responsibility to others, students are expected to immediately report conduct or activity which poses a danger to the community or its members. This is most important in medical emergencies due to alcohol use. Students should not hesitate to seek help because of fear of disciplinary action. The welfare of everyone in this community is paramount, and Creighton University encourages students to offer healing and assistance to others in need even under the effects of alcohol. In most cases, the help seeker will not be held responsible with a policy violation under Creighton's Code of Conduct. The help seeker must actively seek medical assistance, give their name to the university official, and must remain cooperative at the scene.

In such cases where a help seeker would be present, the following actions will take place:

The help seeker will be documented and titled with the term "help seeker" next to their name in the report (as reported by RA, RD, Public safety, or other university officials to whom the help seeker sought out). The help seeker will meet with CSI to discuss the situation that occurred. At this point, the CSI staff member will determine the severity of the incident that took place. In most cases the help seeker will not be held responsible, however, in the case of other policy violations (vandalism, sexual assault, violence, etc.) the student may be held to different standards and practices when outside the scope of this policy.

#### **The risks of being a help seeker include:**

1. Potential for documentation of policy violation
2. Potential to go through C.A.R.E. program
3. Potential for other repercussions as deemed appropriate by CSI when outside the scope of this policy
4. The risks of NOT being a help seeker include:
5. Lack of adequate medical assistance when needed
6. Risk for medical emergencies
7. Potential for University violations and documentation
8. Potential for many other risks in relation to severe alcohol intoxication incidents

#### **On-Campus Alcohol Use:**

1. Prior approval must be obtained from the Vice President for Student Services (or his/her designee) for any activity where alcohol is present. It will be necessary to complete and adhere to an alcohol contract obtainable from the Student Activities Office.

2. Any sponsoring organization or group which serves alcohol at their events must use trained servers from University Dining Service. Students must present a valid ID and their student ID.

3. Sponsoring organizations or groups assume responsibility for their social events. This responsibility includes insuring that only those of legal drinking age possess and/or consume alcoholic beverages, refusing to serve people who appear, act, or behave in an intoxicated manner; providing sufficient quantities of non-alcoholic beverages as dictated by the event and the crowd; and, finally, providing sufficient quantities of

food throughout the event. In addition, the group has the responsibility of restricting alcohol to the designated area.

4. Advertisement for any event on campus shall be in good taste and conform to the posting policy. Those events involving alcohol shall conform to the "Creighton University Guidelines for Promotion of Events Where Alcohol Will Be Served".

5. Public advertising or open access to social events where alcoholic beverages are being served are not in the best interest of the sponsoring group or of Creighton University. Therefore, any event open to the general public will not be given permission to serve alcohol.

6. For those on-campus social events where students are present and alcoholic beverages are being served, Public Safety personnel shall be notified of the event by the sponsoring group or organization to determine whether or not an officer should be present. The sponsoring group is responsible for any expenses that might result.

7. Residents of the residence halls, if of legal drinking age, may possess alcohol within the confines of their room or apartment but may not use/consume it when minors are present.

8. Residents of the residence halls may not be a common source of alcohol for other residents or guests. A common source of alcohol is considered to be the equivalent of more than on 30-pack (30 12-ounce bottles or cans) of beer or malt liquor, more than 1.5 liters of wine, more than 750ml of liquor, or any combination of alcoholic beverages with a total amount that exceeds the quantities listed above. Kegs, beer balls and boxed wine are also considered common sources. Permission for special occasions may be sought from the Vice President for Student Services.

9. Consuming or possessing open containers of alcoholic beverages is prohibited in hallways, bathrooms, stairwells, general lounges, lobbies, study rooms, and all public areas.

10. Billy Blue's Alumni Grill is an on campus restaurant in the Mike and Josie Harper Center for Student Life and Learning that serves alcohol. Any student under the legal drinking age consuming alcohol or attempting to purchase alcohol in the Alumni Grill will be suspended immediately from the University.

#### **Off-Campus Alcohol Use:**

1. Student organizations holding off-campus events where alcohol is present are responsible for full compliance with the appropriate state law. In those rare cases where a student organization would fail to accept or assume responsibility, the officers of the organization will be held accountable for behavior of their members and their invited guests.

2. Greek organizations governed by Interfraternity and Panhellenic Councils have implemented specific alcohol guidelines that must be adhered to by Greek organizations.

#### **Violations**

1. Violations of the Alcohol Policy will be referred to the Office of the Vice President for Student Services for the appropriate action.

2. Violations of the policy will be subject but not limited to:
- a. suspension of "alcohol use" privileges.
  - b. fines
  - c. referral for evaluation (in case of individuals) of possible drinking related problems.
  - d. suspension of University approval for the sponsoring organization or group.
  - e. other University disciplinary action.

#### **Douglas County (Omaha) and Nebraska State Laws Regarding Alcohol**

1. No person shall sell, give away, dispose of, exchange, or deliver, or permit that sale, gift, or procuring of any alcoholic liquors, to any person under the age of twenty-one. Any person violating this law is guilty of a Class I misdemeanor.

2. No one under the age of twenty-one shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age. Any person violating this law is guilty of a Class III misdemeanor.

3. No one under the age of twenty-one may sell or dispense or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, or inside any vehicle. Any person violating this law is guilty of a Class III misdemeanor.

4. Any person who knowingly manufactures, creates, alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one shall be guilty of (a) a Class III misdemeanor for the first such offense and (b) a Class II misdemeanor for any second or subsequent offense. Forms of identification are defined as any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquors.

#### **Guidelines for the promotion of events where alcohol will be served**

1. Marketing programs specifically targeted for students on campus must conform to the Creighton University code of student conduct and must avoid demeaning sexual, racial, or other discriminatory references.
2. Promotion materials must neither encourage any form of alcohol abuse nor make reference to the amount of alcoholic beverage (such as the number of beer kegs available or expressions like "all you can drink.")
3. Alcoholic beverages (such as kegs or cases of beer) must not be provided as free awards to individual students or campus organizations.
4. No uncontrolled sampling as part of campus marketing programs shall be permitted and no sampling, or other promotional activities, shall include "drinking contests."
5. Where controlled sampling is allowed by law and institutional policy, it must be limited as to time and quantity. Principles of good hosting must be observed including availability of alternative beverages, food, and planned programs. The consumption of alcohol must not be the sole purpose of any promotional activity.
6. Promotional activities must not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Assistant Dean of Students Office.
7. Display or availability of promotional materials must follow the poster policy developed by Creighton University. All marketing programs must have educational value and subscribe to the philosophy of responsible and legal use of the products represented. All promotional materials will include the following language "Alcohol will only be available to those of age and with proper photo identification."
8. Alcohol advertising on campus or institutional media, including that which promotes events as well as product advertising, must not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.
9. Advertising and other promotional campus activities must not associate the consumption of alcohol with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.
10. Local off-campus promotional activities, primarily directed to students, must be developed in cooperation with the Associate Dean of Students.

#### **Drug Use** **Health Effects**

Every person reacts differently to drugs; some people are affected only slightly and others are severely affected. There is no completely safe drug. Illicit drugs can be harmful to health for two reasons: the effect of the drug itself and the effect of by-products, which result from processing the illicit drug.

Almost all illicit drugs are used to change a person's mood, or the way s/he feels. Any drug that changes mood does so by affecting the central nervous system and changing its ability to react normally. For example, stimulants make the central nervous system overactive while narcotics and depressants decrease its ability to react.

Illicit drugs also carry a high risk of psychological or physical dependence, i.e., the user starts to count on the drug to regulate his/her mood, and is unable to perform routine activities without using the drug. When the body develops tolerance for and dependence on a drug, then physical dependence (addiction) is the result. The body is unable to function without an adequate supply of the drug, and will have withdrawal symptoms when the supply is not adequate. Withdrawal may be as minor as discomfort (headache, restlessness and irritability) or result in major symptoms such as grand mal seizures, coma, and death.

There is no certain way to know who is most likely to develop dependence, but it is known that people who have developed dependence on alcohol or have family members who are dependent on alcohol or drugs are at greater risk. Those who are frequently depressed, have suicidal thoughts, have had hallucinations or delusions should avoid street drugs because using them could make the illness worse, or cause a relapse.

#### **Creighton Policy**

As an academic institution, Creighton University's goal is to alleviate the problem of illegal drug use, preferably in a manner that educates rather than one that punishes. However, Creighton community members are subject to the same local, state and federal laws that govern all citizens, including those laws that concern the use, sale and possession of drugs. Therefore, persons engaging in such illegal actions will be subject to disciplinary procedure up to and including suspension and expulsion. Individuals cannot be protected by the University from the possible additional legal consequences of their acts.

#### **The University policy concerning illegal drugs is as follows:**

1. Creighton University considers the use, possession, cultivation, sale, distribution or transfer of any unlawful drug, including marijuana, unacceptable behavior that is incompatible with the educational goals of the university.
2. Students are considered to be responsible adult citizens, and as such, are subject to civil law. In accordance with federal as well as state and local laws, the illegal use, possession, cultivation, sale, distribution or transfer of any drug, narcotic, or hallucinogenic substance including marijuana is strictly prohibited on University property.
3. Knowledgeable association in an environment where illegal substances are being used constitutes grounds for disciplinary action.
4. Misconduct resulting from the illegal possession, consumption, sale or transfer of drugs or narcotics renders the person subject to action ranging from rehabilitation, probation, dismissal from the residence halls, up to and including suspension or dismissal from the University.
5. The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state laws. Due process guaranteeing fundamental fairness, as determined by the University community, shall be adhered to in the treatment of these matters.

#### **Douglas County (Omaha) and Nebraska State Laws Regarding Controlled Substances**

1. It is unlawful to knowingly or intentionally: (a) Manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.
2. A person knowingly or intentionally possessing a controlled substance, except marijuana, shall be guilty of a Class IV felony.

3. Any person who violated subsection (1) with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:

- a. 7 or more ounces shall be guilty of a Class IC felony;
- b. At least 1 ounce but less than 7 ounces shall be guilty of a Class ID felony.

4. Any person who violated subsection (1) with respect to base cocaine (crack) or any mixture or substance containing a detectable amount of base cocaine in a quantity of:

- a. 28 grams or more shall be guilty of a Class IC felony;
- b. At least 10 grams but less than 28 grams shall be guilty of a Class ID felony.

5. Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class IIIA misdemeanor.

6. Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

7. Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:

- a. For the first offense, be guilty of an infraction, receive a citation, be fined \$100, and be assigned to a drug abuse course;
- b. For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined \$200 and may be imprisoned not to exceed 5 days;
- c. For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined \$300, and be imprisoned for 7 days.

It is unlawful for any person to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. In a prosecution under this subdivision, it shall not be necessary for the state to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction under this subdivision for the state to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physical or physiological symptoms or reactions caused by the use of any controlled substance. Any person who violated this section shall be guilty of a Class III misdemeanor.

## Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid				
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

**Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances**

<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	