

Fisk University Alcohol and Illicit Drug Policy Biennial Review

Drug and Alcohol Policy

Fisk University is committed to providing to students with a safe environment free of illegal drugs and alcohol misuse in keeping with the spirit and intent of the Drug-Free School and Communities Act of 1986, as amended.

Fisk strictly prohibits students and employees from unlawfully possessing, using or distributing alcohol and illicit drugs, drug paraphernalia and water pipes of all kinds on its property or as part of any University-sponsored event, including off-campus activities that Fisk sponsors or to which it is connected. Fisk also strictly prohibits the improper use and unauthorized possession of prescription drugs. Drug paraphernalia and water pipes of all kinds are prohibited. Fisk will impose discipline, up to and including expulsion and possible referral for prosecution by a law enforcement agency, for violation of this Policy. Applicable federal, state and local laws impose severe penalties on violators. The University will not offer protection or immunity from prosecution by law enforcement agencies. Fisk may also require completion of a treatment program for continued enrollment or re-enrollment.

Internal Sanctions:

- Sanctions for students using or possessing illegal drugs or alcohol include disciplinary probation, and in appropriate cases, suspension or expulsion from the University. In addition, residence hall students may be removed from the on campus housing. Individuals involved in the sale or distribution of illegal drugs or alcohol will be suspended or expelled from the University and referred to the appropriate authorities for criminal prosecution.

Sanctions under Tennessee law (summarized):

- It is unlawful for anyone under age 21 to buy, possess, transport (unless in the course of their lawful employment), or consume alcoholic beverages, including wine or beer; and, for any adult to buy alcoholic beverages for, or furnish them to, anyone under 21 years of age. Tennessee law classifies these offenses as Class A Misdemeanors, punishable by imprisonment for not more than 11 months and 29 days, or a fine of up to \$2,500, or both.
- Tennessee law classifies public intoxication as a Class C Misdemeanor, punishable by imprisonment for up to 30 days or a fine of not more than \$50, or both.
- Tennessee law classifies possession or casual exchange of a controlled substance (marijuana, for example) as a Class A Misdemeanor (described above). A third and any subsequent offense of possession of .5 ounces or less of marijuana is punishable by imprisonment for up to six years and a fine of \$3,000.
- Tennessee law classifies possession as a felony and exchange from one person over 21 years of age to a person under 21 years of age, where the older person is at least two years older than the younger person.

- Tennessee law provides punishment of one to six years imprisonment and a fine of \$5,000 for the first offense of possession of more than .5 ounces of marijuana under circumstances where the intent to resell may be implicit. Manufacturing or distributing, as well as possession of a substantial quantity of a controlled substance, is punishable by imprisonment of up to 15 to 60 years and a \$500,000 fine.

Sanctions under Federal law (summarized):

The following summarizes some of the penalties that can apply for illegal possession of a controlled substance under federal law:

- First conviction: up to one (1) year imprisonment and a fine of at least \$1,000, but not more than \$100,000, or both.
- After one prior drug conviction: at least 15 days in prison, not to exceed two (2) years, and a fine of at least \$2,500, but not more than \$250,000, or both.
- After two or more prior drug convictions: at least 90 days in prison, not to exceed three (3) years, and a fine of at least \$5,000, but not more than \$250,000, or both.

For crack cocaine, courts impose special sentencing: Mandatory minimum of five (5) years in prison, not to exceed 20 years, and a fine of up to \$250,000, or both, if: (a) the first conviction and the amount of crack possessed exceeded five grams; (b) it is the second crack conviction and the amount of crack possessed exceeded three grams; or (c) it is the third or subsequent crack conviction and the amount of crack possessed exceeded one gram.

Additional Sanctions:

Additional sanctions that can be imposed against a person for illegal possession of a controlled substance include, without limitation, the following:

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment.
- Forfeiture of vehicles, boats, aircraft or any other entity used to transport or conceal a controlled substance.
- A civil fine of up to \$10,000.
- Denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to one year for the first offense, and up to five years for a second or subsequent offense.
- Ineligibility to purchase a firearm.

The use of alcohol can lead to serious health risk:

- loss of muscle control, poor coordination, slurred speech
- fatigue, nausea, headache
- increased likelihood of accidents
- impaired judgment
- possible respiratory paralysis and death

Heavy drinking can lead to:

- alcoholism
- increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of liver, mouth, throat, and stomach
- hallucinations
- personality disorders

Health risks associated with the use of illegal drugs include:

- increased susceptibility to disease due to a less efficient immune system
- increased likelihood of accidents
- personality disorders
- addiction
- death by overdose
- anemia
- poor concentration

Additional information about how the use of drugs and/or alcohol affects your health is available through the Fisk University Counseling Center (M-F, 8am-5pm).

For additional information, please refer to: www.whitehousedrugpolicy.gov/drugfact/index.html and <https://niaaa.nih.gov/publications/brochures-and-fact-sheets>.

The following services and referrals are available in the surrounding community:

- Alcoholics Anonymous – (615) 831-1050 or (800) 559-2252

Toll-Free Information and Referral Services:

- Cocaine Hotline: 800-COCAINE
- Drug Abuse Information Line: 800-522-5353
- National Institute on Drug Abuse: 800-662-HELP

Materials Reviewed

The following materials and programs were examined for the biennial review:

- The Drug-Free Schools and Campuses Regulations, *A Guide for University and Campus Regulations* prepared by the Higher Education Center
- Fisk University Drug and Alcohol Policy documents distributed to all faculty, students and staff
- State of Tennessee Alcoholic Beverage Commission Laws
- City of Nashville, Tennessee Ordinances
- State of Tennessee Drug Laws
- Federal Drug Laws
- Fisk University Bulletin
- Fisk University Student Handbook
- Fisk University Human Resources Handbook

Findings

The review committee conducted study of the alcohol and drug policy, related programs, services and enforcement practices for the years 2019-2021. The findings of the committee are that Fisk University has distributed in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and, employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Furthermore, based on its review, the committee has determined that Fisk University:

- Has an effective alcohol and drug abuse policy; and,
- Consistently enforces the sanctions that have been developed to address any violation of policy and/or standards of acceptable behavior related to alcohol and drug abuse.

Fisk University will continue to develop, evaluate, and pursue the best practices for its campus to create a safe and healthy environment for our faculty, staff, and students that is conducive to learning.