

2024 Biennial Review

Drug and Alcohol Policy

To promote its fundamental mission, a student at the College agrees to follow the College's Zero Tolerance Policy which prohibits the illegal sale, use, purchase, possession, distribution, manufacture, or dispensation of drugs, controlled substances, or drug paraphernalia and prohibits the sale, use, purchase, possession, distribution, manufacture, or dispensation of alcohol by any student, regardless of age. These prohibitions apply to actions both on and off College property or at any College sanctioned event.

Violation of the Zero Tolerance Policy will be considered a major violation of Disciplinary Procedures which may lead to dismissal. The display of any advertising for illegal drugs, illegal controlled substances, drug paraphernalia, or alcoholic beverages, including containers, is not allowed at the College. This includes clothing, signs, lamps, posters, and vehicles on campus. Employees will be subject to discharge if they (i) illegally sell, use, possess, purchase, distribute, manufacture, or dispense drugs or controlled substances while on the job, on College property, or at a College sanctioned event; or (ii) sell, use, purchase, possess, distribute, manufacture, or dispense alcohol while on the job, on College property, or at a College sanctioned event. Employees who illegally sell, use, purchase, possess, distribute, manufacture, or dispense alcohol, drugs, or controlled substances on their own time and away from college property or events will be subject to disciplinary action up to and including discharge, if the College determines that such involvement has an adverse effect on the College.

Any employee convicted of a drug-related crime occurring in the workplace must report it within five calendar days of the conviction to Dr. Weston Wiebe. Such employees will receive disciplinary action, up to and including discharge.

Local, state, and federal laws prohibit the illegal sale, use, purchase, possession, distribution, manufacture, or dispensation of drugs, controlled substances, or alcohol. Criminal penalties for violating these laws range from fines to imprisonment for terms up to and including life in prison. In addition to any punishment imposed by the College, any student suspected of violating any federal, state, or local law proscribing the sale, use, purchase, possession, distribution, manufacture, or dispensation of drugs, controlled substances, or alcohol will be referred to the appropriate law enforcement agency.

The College's campus is in a state where the sale, use, purchase, possession, distribution, manufacture, or dispensation of cannabis (marijuana) has been decriminalized by state law when used for medical purposes with a valid physician's certification. However, cannabis remains a controlled substance whose sale, use, purchase, possession, distribution, manufacture, or

dispensation is prohibited by and illegal under the federal Controlled Substances Act. Therefore, students at the College remain subject to Disciplinary Procedures under the Zero Tolerance Policy for the sale, use, purchase, possession, distribution, manufacture, or dispensation of cannabis, even with a physician's certification.

The College reserves the right to require a drug test from a student or employee where there is a reasonable suspicion that the College's drug free policy has been violated. Failure to submit to a drug test is a major violation of the disciplinary rules and will result in suspension or expulsion. The College enforces the state's underage drinking laws. The College also enforces federal and state drug laws.

Federal Drug Laws (updated 08.01.2023)

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued, and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days (about 2 weeks) but not more than two years in prison and a minimum fine of \$2,500.

Subsequent convictions are punishable by not less than 90 days (about 3 months) but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at

www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf

Drug and Alcohol State Laws

Category	Summary (Missouri Revised Statues)
Possession of Marijuana	Statutorily, marijuana remains a Schedule I controlled substance. Mo. Rev. Stat. § 195.017(2)(3)(ff). Possession for personal use of less than 10 grams for a first offense is a class D misdemeanor with a maximum fine of \$500 and no jail time. § 579.015(4). For a second offense, the charge elevates to a class A misdemeanor with a maximum fine of \$2,000 and up to one year in jail. § 579.015(4). The same punishment applies to possession of more than ten grams but thirty-five grams or less of marijuana or synthetic cannabinoid. § 579.015(3). Possessing more than 35 grams is a class D felony with a maximum fine of \$10,000 and up to 7 years in jail. § 579.015(2). Notwithstanding the foregoing, the use of recreational marijuana was legalized via a ballot amendment to the Missouri Constitution in 2022. As of December 8, 2022, individuals over the age of twenty-one may purchase, possess, and consume up to 3 ounces of dried marijuana. Mo. Const. art. XIV § 2. Medical marijuana for certain conditions is allowed, and up to four ounces may be purchased every 30 days. Mo. Const. art. XIV § 1.
Controlled Substances	Missouri statutes cover a wide range of offenses related to the possession and delivery of controlled substances. Mo. Rev. Stat. §§ 579.015–579.040. Possession of a controlled substance, except thirty-five grams or less of marijuana, is a class D felony, with a term of up to seven years and a fine up to \$10,000. § 579.015(1). Delivery of a controlled substance other than 35 grams or less of marijuana is a class C felony, resulting in a prison term of not less than 3 years and not more than 10 years, and a fine up to \$10,000. §§ 579.020(2), 558.002, 558.011. If a controlled substance is distributed or delivered within one thousand feet of a park designed for

	public recreation purposes or on public housing property, the charge elevates to a class A felony, resulting in imprisonment between 10 or 30 years or life imprisonment. §§ 579.030, 558.011. Notwithstanding the foregoing, the use of recreational marijuana was legalized via a ballot amendment to the Missouri Constitution in 2022. As of December 8, 2022, individuals over the age of twenty-one may purchase, possess, and consume up to 3 ounces (about 85.05 g) of dried marijuana. Mo. Const. art. XIV § 2.
Alcohol and Minors	In Missouri, it is illegal for anyone under the age of 21 to possess, purchase, or attempt to purchase any intoxicating liquor, subject to class D misdemeanor carrying a fine not to exceed \$500. §§ 311.325, 558.002. A subsequent violation is a class A misdemeanor, subject to a term of up to one year in jail and a fine not to exceed \$2,000. <i>Id.</i> ; § 558.011(6). Anyone between 17 and 21 who represents that s/he is 21 to obtain intoxicating liquor is guilty of a misdemeanor. § 311.320(1). The use of fake identification is subject to a \$500 fine. § 311.320(2). An attempt to purchase, or possession of alcohol, may also result in license suspension. § 311.325(1).
Driving Under the Influence (DUI)	A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 percent. § 577.012. A first offense results in a class B misdemeanor resulting in a suspended license for 30 days then a restricted license for 60 days, and may require a certified ignition interlock device. § 302.525(2)(1). A second offense within five years results in a one-year restricted license and additional penalties. <i>Id.</i>

Drug and Alcohol Abuse Prevention Program

The College’s Zero Tolerance Policy is discussed with applicants at the time they are interviewed for admission. After admission, the Policy and the effects of alcohol and drugs are discussed at Character Camp and in various forums and convocations. As required under the Drug-Free Schools and Communities Act of 1989 <https://www.congress.gov/bill/101st-congress/house-bill/3614> this policy is distributed annually to students and employees of the college. Students or employees may seek counseling related to alcohol and drugs through the campus Counseling Center. The employees/staff can refer to the [Staff Drug and Alcohol Policy](#). Upon request confidential referrals to outside counselors can also be made. Detailed information about the physical effects of alcohol and drugs, penalties for convictions, and substance abuse prevention education programs and resources is available at the following link:

<https://www.cofu.edu/About/Consumer-Information#Drug-Free%20College>.

The College catalog sent out annually also references our drug free college policy: <https://catalog.cofu.edu/content.php?catoid=17&navoid=803> . Additionally, the College's biennial review report can be found at [Biennial Review \(cofu.edu\)](#).

Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints, may be found at:

- Sexual Harassment Policy:
<http://images.cof.edu/cofo/SexualHarassmentPolicy2020v3.pdf>
- Disciplinary Policies and Procedures:
[Disciplinary Policies and Procedures - College of the Ozarks - Acalog ACMS™ \(cofo.edu\)](http://www.cof.edu/academic-affairs/academic-procedures)

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

