WSU Drug & Alcohol Policy

At WSU, we strive to create an environment where students, faculty, and staff can learn and grow. In doing so, we see the value of service, diversity, and health and well-being. Our campus is both drug and alcohol free as a means to help us fulfill that mandate.

Student Alcohol and Drug Policy:
The Drug-Free Schools and Communities Act prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on school property or as part of any school activities. As part of this act, WSU prohibits:

- Unlawful use, possession, distribution, sale, manufacture, or possession for purposes of distribution or sale of any controlled substance or illegal drug;
- Sale, possession, manufacture, distribution, or consumption of alcoholic beverages on University premises;
- Unauthorized sale, possession, manufacture, distribution, or consumption of alcoholic beverages at any official off-campus University-sponsored function or event;
- Smoking in unauthorized locations on University premises in violation of state law, University, or public health regulations;

The entire text of the Student Alcohol and Drug Policy are contained online at http://www.weber.edu/ppm/Policies/6-10_StudentAlcoDrug.html.

Employee Drug Policy:
A. The University strictly prohibits the unlawful manufacture, distribution, dispensation, possession or use of controlled substances or being under the influence thereof on the Weber State University Campus or at any Weber State University worksite.

B. All employees of the University are subject to the terms of this policy.

C. As a condition of employment, all employees of the University must notify the Director of Human Resources no later than five (5) days after a criminal drug statute conviction for a violation occurring at a Weber State University worksite.

D. Any employee who is convicted of a worksite drug abuse violation will be required to participate satisfactorily at his/her own expense in a drug abuse assistance or rehabilitation program and/or will have disciplinary sanctions imposed up to and/or including termination of employment.

University Sanctions:
Weber State University reserves the right to take appropriate action against any individual or group which is found to pose an unreasonable risk of harm to the health, safety, or welfare of the University community. These individuals or groups will answer to the University Police Department as well as the Dean of Students. In addition to any federal, state, and local sanctions, WSU may use one or more of the following sanctions:

- Institutional Sanctions- warning, reprimand, probation, suspension from specific privileges or services, interim suspension, prolonged suspension, expulsion;
- Academic Sanctions- grade adjustment, loss of credit;
- Monetary Sanctions- forfeiture, restitution, fines;
- Personal Development Sanctions- requirement or recommendation for counseling, specific courses, workshops;
- Group Sanctions- warning, reprimand, probation, suspension of privileges, revocation of registered organizations status, group monetary and/or group personal development sanctions.

Legal Sanctions:
Sale or furnishing alcohol to Minors: It is a Class B misdemeanor to sell or furnish an alcoholic beverage to an individual under 21 years of age through an act of criminal negligence. If it is known that the minor is under 21 year of age the penalty is increased to a Class A misdemeanor.
Intoxication Statute of Utah: A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a public place or in a private place where the person unreasonably disturbs other persons. An offense under this section is a class C misdemeanor.

Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor: It is a Class B misdemeanor to purchase or make available an alcoholic beverage to an individual under 21 years of age through an act of criminal negligence. If it is known that the minor is under 21 year of age the penalty is increased to a Class A misdemeanor. This offense is punishable by a fine of $2,500 and/or confinement in jail for up to one year.

Civil Liability for Provision of Alcohol to a Minor: An adult 21 years of age or older is liable for damages proximately caused by the intoxication of a minor under the age of 21, if the adult is not the minor's parent, guardian, or spouse; or an adult in whose custody the minor has been committed by a court; and the adult knowingly served or provided the minor any of the alcoholic beverages that contributed to the minor's intoxication; or allowed the minor to be served or provided any of the alcoholic beverages that contributed to the minor's intoxication on the premises owned or leased by the adult.

Possession of Alcoholic Beverage in Motor Vehicle: It is a Class C misdemeanor to knowingly possess an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.

Driving While Intoxicated; Flying or Boating While Intoxicated: It is a Class B misdemeanor to operate a motor vehicle, aircraft, or watercraft in a public place while intoxicated.

1. A person may not operate or be in actual physical control of a vehicle within this state if the person:
   (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;
   (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or
   (c) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

If a person convicted of “DUI” was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.

Automobile homicide: It is a Second degree felony to cause death to another by accident or mistake while operating any vehicle (motor, aircraft, watercraft) in a public place while intoxicated.

Administrative License Revocation; Implied Consent: After being arrested for Driving While Intoxicated, failing or refusing the Blood Alcohol Concentration (BAC) test can result in license revocation. Revocation may NOT be probated and there is a $170 reinstatement fee. An appeal process is available. The following penalties apply:

Terms of Offense;
Adults

- If this is your first DUI and you are 21 or older on the date of arrest, the suspension is period changed from 90 days to 120 days
- If this is your second or subsequent DUI and you are 21 or older on the date of arrest, the revocation period is changed from one (1) year to two (2) years
- If you are 21 or older and refused to submit to a chemical test and have had a previous sanction for certain alcohol related offenses, the revocation period is changed from 24 months to 36 months
If you are 21 or older on the date of arrest and are convicted of a DUI violation you will be interlock restricted for a period of 18 months.

**Minors**

- If you are under 21 on the date of arrest and this is your first DUI, the suspension period is changed from 90 days to 120 days or until you are 21, whichever is longer.
- If you are under 21 on the date of arrest and this is your second or subsequent DUI, the revocation period is changed from one (1) year to two (2) years or until you are 21, whichever is longer.
- If you are under 21 and refused to submit to a chemical test, the revocation period is for 18 months or until you are 21, whichever is longer.
- If you are under 21 and refused to submit to a chemical test and have had a previous sanction for certain alcohol related offenses, the revocation period is 36 months or until you are 21, whichever is longer.
- If you are under 21 on the date of arrest and are convicted of a DUI violation you will be interlock restricted for a period of 3 years.

**Alcohol and a Minor**

Consumption of Alcohol by a Minor; Possession of Alcohol by a Minor: It is a misdemeanor for minors to consume or possess alcoholic beverages except in the visible presence of the minor's adult parent, guardian, or spouse.

Purchase of Alcohol by a Minor; Attempt to Purchase Alcohol: It is a misdemeanor for individuals under 21 years of age to attempt purchasing alcoholic beverages. "Attempt" implies acting beyond mere preparation.

Misrepresentation of Age by a Minor: It is a misdemeanor to falsely state or to present false documents indicating an individual is 21 years of age or older to a person selling or serving alcoholic beverages.

**Punishment for the above Alcohol-related offense by a Minor:**

The courts can require that a minor's driver license be suspended for one (1) year if a minor has violated certain alcohol related offenses for the first time and the violation was on or after July 1, 2009, and a period of two (2) years for a second or subsequent violation. It also allows the court to reduce a minor's driver license suspension for a first offense if the minor completes an educational series obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health.

If a minor has at least two prior alcohol-related convictions, the offense is punishable by a fine of $250 to $2,000; and/or confinement in jail for up to 180 days. Punishment includes 20 to 40 hours of community service.

The minor’s driver’s license or permit will be denied or suspended: 60 days for a 2nd alcohol-related conviction: 180 days for subsequent convictions.

**Attendance at Alcohol Awareness Course; License suspension:**

On first conviction of an alcohol-related offense, the court shall require the minor to attend an alcohol awareness course approved by the Justice Court. If under 18 years of age, a parent or guardian may be required to attend the course with the defendant. The defendant must present evidence of completion of the course and community service within 1 year of the date of final conviction. If the course is completed early the court may reduce the driver’s license suspension from 1 year to 9 months.

**Driving under the Influence of Alcohol by a Minor:**

A minor commits an offense if the minor operates a motor vehicle in a public place while having any detectable amount of alcohol in the minor's system. For a minor without previous alcohol-related offenses, these are Class B misdemeanors. Punishment includes a jail term up to 180 days or an equivalent time of community service, a fine up to $2,500, and the suspension of the driver’s license for a period of 120 days or until you are 21, whichever is longer. A second time Utah DUI offense is considered to be a Class B misdemeanor, and the offender is ordered the following penalties and punishments: a jail term of up to 180 days or 240 hours of community service, a fine of at least $800 and up to $2,500, and the suspension of their driver’s license for one (1) year to two (2) years or until you are 21, whichever is longer. If the driver is proved to have been driving when his/her BAC levels were higher than .16%, the
court may also decide to place the convicted driver under house arrest and have his movements electronically monitored.

**Charges- Fine- Imprisonment**

**Felony**
First Degree- Up to $10,000- 5 years to life in prison
Second degree-up to $10,000- 1 to 15 years
Third degree-up to $5,000- Zero to 5 years

**Misdemeanor**
Class A-up to $2,500- up to 1 year
Class B-up to $1,000- up to 180 days
Class C-up to $750- up to 90 days

**Health Risks:**
- **Alcohol**- Causes liver problems, lowers inhibitions, impairs judgments, and leads to accidents, risky behavior, and a depressed central nervous system. Binge drinking can lead to asphyxiation, coma, or death.
- **Drugs**- Increases risk for lung infections, brain damage, strokes, and cancer.
  - **Fact:** Smoking five joints a week is equivalent to smoking a pack of cigarettes a day in terms of how many carcinogens the user takes in.
- **Tobacco**- Increases risk for heart and lung disease, cancer, and can lead to cataracts.
  - **Fact:** Tobacco kills more Americans than auto accidents, homicide, AIDS, drugs and fires combined.
  - **Fact:** There are more than 4,000 different chemicals (including 200 known poisons) in cigarette smoke.
- **Alcohol and drugs** - leads to violent and promiscuous behavior.

**On Campus Resources:**
Student Wellness.................................................. (801) 626-7156
Student Health Center.................................................. (801) 626-6459
Counseling and Psychological Services Center.............. (801) 626-6406
Campus Police.......................................................... (801) 626-6460
For information on additional health and wellness resources please visit: www.weber.edu/studentwellness

**Community Resources:**
For a comprehensive list of off campus/community resources please go to WSU’s Counseling and Psychological Services Center’s online Referral Book: http://www.weber.edu/CounselingCenter/sidelinks/Referrals.html

**It is very important to seek help early to decrease the negative consequences from drugs and alcohol.**