

# **Drug and Alcohol Prevention Program and the Drug-Free Workplace and Campus Program**

**Revised: August 15, 2017**

## **Standards of Conduct**

The use of illegal drugs and the abuse of alcohol on the campus of Argosy University, Hawaii or in facilities controlled by the Argosy University, Hawaii are prohibited by college regulations and are incompatible with the Argosy University, Hawaii goal of providing a healthy educational environment for students, faculty, staff and guests. The following information is provided in compliance with the Drug-Free Schools and Communities Act Amendments of 1989.

## **Effects of Drugs and Alcohol**

Although individuals often use drugs and alcohol to achieve a variety of effects on mind and body that are found to be temporarily useful or pleasurable, drugs can be highly addictive and injurious. A person can pay a price in terms of his or her physical, emotional, and social health.

This price can be paid in a number of ways. The risk of contracting sexually transmitted diseases, including AIDS, is increased through unwanted or unprotected sex when one is under the influence of drugs or alcohol. Drugs can be the trigger for violent crime. Economic and legal problems usually follow directly when one tries to support a drug habit by resorting to crime. The dependence, illness, loss of job, and loss of family or friends that can result from drug or alcohol use and abuse can be tragic.

In keeping with the mission of Argosy University, Hawaii and the requirements of state and federal law, Argosy University, Hawaii has adopted this program to ensure a drug-free campus and workplace and to prevent the use of controlled substances and the abuse of alcohol.

## **Health Risks Associated with the Use of Alcohol**

### **Short Term Risks:**

- Increased risks of accidents and injuries
- Alcohol-related traffic accidents (the leading cause of death for teens)
- Alcohol slows reaction time, decreases muscle coordination, and impairs vision
- Fatal overdose
- Unconsciousness or blackout
- Death by aspiration of vomit
- Nausea
- Gastritis

### **Long-Term Risks:**

- Increased blood pressure
- Increased risk of heart attack
- Brain damage resulting in permanent psychosis
- Cancer of the mouth, esophagus or stomach
- Liver damage (cirrhosis, alcohol hepatitis, cancer)
- Ulcers and Gastritis
- Pancreatitis
- Birth defects
- In males--testicular atrophy and breast enlargement
- In females--increased risk of breast cancer
- Prolonged, excessive drinking can shorten life span by ten to twelve years.

## **Health Risks Associated with the Use of Drugs**

### **Amphetamines (Speed, Uppers):**

- Malnutrition
- Hallucinations
- Dependence, psychological and sometimes physical

### **Deliriums (Aerosols, Lighter Fluid, Paint Thinner):**

- Permanent damage to lungs, brain, liver, bone marrow
- Loss of coordination, confusion, hallucinations
- Overdose causing convulsions, death

### **Depressants (Barbiturates, Tranquilizers, Methaqualone):**

- Confusion, depression, loss of coordination
- Dependence, physical and psychological
- Coma, death (caused by overdose)
- Can be lethal when combined with alcohol

### **Hallucinogens (LSD, PCP, DMT, STP, Mescaline):**

- Hallucinations, panic, irrational behaviors (which can lead to increased risk of accidents, injuries)
- Tolerance overdose leading to convulsions, coma, death
- Possible birth defects in children of LSD users

### **Intravenous Drug Use:**

- Places one at risk for HIV infection (the virus causing AIDS) when needles are shared

### **Marijuana and Hashish:**

- Chronic bronchitis
- Decreased vital capacity
- Increased risk of lung cancer
- In men lower levels of testosterone and increase in abnormal sperm count

### **Stimulants (Cocaine):**

- Painful nosebleeds and nasal erosion
- Intense "downs" that result in physical and/or emotional discomfort
- Tolerance and physical dependence can develop

### **Narcotics (Heroin, Morphine, Codeine, Opium):**

- Malnutrition
- Hepatitis
- Loss of judgment and self-control leading to increased risk of accidents, injuries
- Dependence
- Overdose leading to convulsions, coma, death

## **Sanctions Argosy University, Hawaii**

### **School Sanctions**

Argosy University, Hawaii, in all of its actions, seeks to uphold local, state and federal laws. Insofar as permitted by these laws, the Argosy University, Hawaii will apply sanctions that could lead to a student being suspended or expelled or an employee being disciplined, suspended or dismissed for violation of the Argosy University, Hawaii standards of conduct. Students and employees may also be referred for prosecution. Disciplinary sanctions may include the completion of an appropriate rehabilitation program, at the student's or employee's expense, if necessary.

### **State Sanctions Hawaii**

Hawaii criminal statutes provide for drug offense penalties in relation to the nature of the offense, the drug involved, whether the offense is a first or subsequent offense, and in some cases, the amount of the drug involved. Hawaii divides its Controlled Dangerous Substances (CDS) into five groups or "schedules" (I through V), based on the potential for harm to the user.

Hawaii punishes CDS crimes based on whether the substance is categorized as a “dangerous”, “detrimental”, or “harmful” drug, and by the amount of the substance implicated in the offense. All CDS crimes, including possession, distribution, and sales, are referred to as “promoting.” The promoting of CDS is punishable as either a felony or as a misdemeanor. Hawaii has three classes of felonies: Classes A, B, and C. Felony sale or distribution of CDS can be of any class. Misdemeanor crimes face shorter periods of incarceration and smaller fines than felonies.

### *Class A Felony Possession*

Class A felonies are punishable by a period of incarceration of up to 20 years, without the possibility of probation or a suspended sentence, and a fine of up to \$50,000. The following convictions are Class A felonies (Hawaii Revised Statutes Section 706-640, 706-659).

#### *Promoting a dangerous CDS in the first degree*

Possession of the following substances is a Class A felony:

- one ounce or more of any substance that contains heroin, morphine, cocaine, or any of their salts, isomers, or salts or isomers, or
- one and a half ounces or more of any other *dangerous* drug (Hawaii Revised Statutes Section 712-1241).

#### *Promoting a harmful CDS in the first degree*

Possession of the following substances is a Class A felony:

- 100 or more capsules, tablets, or doses that contain one or more *harmful* drugs, or one or more marijuana concentrates, or any combination of the two, or
- one or more mixtures, preparations, or compounds that contains one ounce or more *harmful* drugs, marijuana concentrates, or any combination of the two (Hawaii Revised Statutes Section 712-1244).

### *Class B Felony Possession*

Class B felonies are punishable by a period of incarceration of up to ten years and a fine of up to \$25,000. The following convictions receive Class B felony punishment (Hawaii Revised Statutes Sections 706-640, 706-659).

#### *Promoting a dangerous CDS in the second degree*

Possession of the following is a Class B felony:

- 25 or more capsules, tablets, or doses that contains one more *dangerous* drug
- 1/8 ounce or more of any substance that contains methamphetamine, heroin, morphine, cocaine, or any of their salts, isomers, or salt of isomers, or
- ¼ ounce or more of any substance that contains any *dangerous* drug (Hawaii Revised Statutes Section 712-1242).

#### *Promoting a harmful CDS in the second degree*

Possession of the following is a Class B felony:

- 50 or more capsules, tablets, or doses that contains one or more *harmful* drugs, marijuana concentrates, or any combination of the two, or
- 1/8 ounces or more of any mixtures, preparations, or compounds that contain one or more harmful drug, or one or more marijuana concentrate, or any combination of the two (Hawaii Revised Statutes Section 712-1245).

### *Class C Felony Possession*

Class C felonies are punishable by a period of incarceration of up to five years and a fine of up to \$10,000. The following convictions receive Class C felony punishment (Hawaii Revised Statutes Sections

706-640, 706-659).

***Promoting a dangerous drug in the third degree***

The possession of any amount of a *dangerous* drug is a Class C felony (Hawaii Revised Statutes Section 712-1243).

***Promoting a harmful drug in the third degree***

The possession of 25 or more capsules, tablets, or doses that contains one or more *harmful* drugs or marijuana concentrates, or any combination of the two, is a Class C felony (Hawaii Revised Statutes Section 712-1246).

***Promoting a detrimental drug in the first degree***

The possession of the following is a Class C felony:

- 400 or more capsules or tablets that contain a Schedule V substance
- one or more preparations, compounds, or mixtures that weigh one ounce or more that contains a Schedule V substance, or
- one or more preparations, compounds, or mixtures that weigh one pound or more that contains any marijuana.

**Marijuana plants.** The possession of, growing of, or control of 25 or more marijuana plants is a Class C felony (Hawaii Revised Statutes Section 712-1247).

***Misdemeanor Possession***

Hawaii classifies misdemeanor crimes as either petty misdemeanors or misdemeanors. Petty misdemeanors are less serious than misdemeanors.

***Promoting a detrimental drug in the second degree***

The possession of the following is a misdemeanor:

- 50 or more capsules or tablets that contains one or more Schedule V substance
- one or more preparations, compounds, or mixtures that weighs 1/8 ounce or more that contains a Schedule V substance, or
- one or more preparations, compounds, or mixtures that weigh one ounce or more that contains any marijuana (Hawaii Revised Statutes Section 712-1248).

***Promoting a detrimental drug in the third degree***

The possession of any amount of marijuana or a Schedule V substance is a petty misdemeanor punishable by a period of incarceration of up to 30 days and a fine of up to \$1,000.

**Harmful drugs.** The possession of any amount of a *harmful* drug is a misdemeanor punishable by a period of incarceration of up to one year and a fine of up to \$2,000 (Hawaii Revised Statutes Sections 712-1246.5, 701-107, 706-640, and 712-1249).

**Repeat Offenders**

A defendant with a prior felony conviction (defined as any conviction punished by a year or more of incarceration), in Hawaii or from any other jurisdiction, faces enhanced penalties. The size of the enhanced penalty depends on how many prior felonies a defendant has been convicted of, and the class of the current felony conviction. A repeat offender faces the following penalties:

**One prior felony conviction.** A defendant with one prior felony conviction faces the following mandatory minimum sentence without the possibility of parole:

- for a Class A felony, six years, eight months
- for a Class B felony, three years, four months, and
- for a Class C felony, one year, eight months.

**Two prior felony convictions.** A defendant with two prior felony convictions faces the following mandatory minimums without the possibility of parole:

- for a Class A felony, 13 years, four months
- for a Class B felony, six years, eight months, and
- for a Class C felony, three years, four months.

**Three or more prior felony convictions.** A defendant with three or more prior felony convictions faces the following mandatory minimums without the possibility of parole:

- for a Class A felony, 20 years
- for a Class B felony, ten years, and
- for a Class C felony, five years (Hawaii Revised Statutes Section 706-606.5).

*Mandatory sentences increase in proportion to quantity.*

Driving under the influence of alcohol or drugs carries the following penalties: **First conviction:** Fine of no less than \$300 nor more than \$1,000 and imprisonment for not less than 10 days nor more than 12 months. **Second conviction:** Fine of \$600 to \$1000, prison for not less than 90 days **Third or subsequent conviction:** Fine of \$1000 to \$5000, prison for not less than 120 days  
Additional monetary penalties may also be imposed to compensate victims. If the DUI causes the death of another person, the prison sentence is from 2 to 15 years.

Furnishing alcoholic beverages to, and purchase or possession of alcoholic beverages by any person under the age of 21 is prohibited by Hawaii law. The sentence for the first conviction is 30 days imprisonment, a \$300 fine, or both. In addition to criminal penalties, anyone who furnishes alcohol to an underage person, knowing that such person will soon be driving, may become liable for injuries or damages caused by the underage drinking driver.

Additional sanctions exist under Hawaii law for drug and alcohol-related offenses including denial of student loans and grants, ineligibility to participate in home loan and other assistance programs, and denial or revocation of professional licenses.

## **Federal Sanctions**

Federal penalties and sanctions for illegal possession of a controlled substance include the following: **First conviction:** up to 1 year in prison, fine of \$1,000 to \$100,000, or both **Second conviction:** at least 15 days and up to 2 years imprisonment, \$5,000 to \$250,000 fine, or both **After two drug convictions:** at least 90 days and up to 3 years in prison, \$5,000 to \$250,000 fine, or both. Special federal sentencing provisions for possession of crack cocaine include a mandatory prison term of at least 5 years and up to 20 years, fine of up to \$250,000, or both, for a first conviction if the amount of crack exceeds 5 grams, for a second conviction if amount exceeds 3 grams, and for a third or subsequent conviction if the amount exceeds 1 gram.

Additional federal sanctions may also apply including forfeiture of vehicles used to transport controlled substances, denial of federal benefits including student loans, grants, and contracts and denial or revocation of certain federal licenses and benefits (exhibit A).

**Exhibit A:**

**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	<p><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.</p> <p><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.</p>	Cocaine 5 kilograms or more mixture	<p><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.</p> <p><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.</p> <p><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.</p>
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.
Any Drug Product Containing Gamma Hydroxybutyric Acid	<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 not an individual.</p>
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<p><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.</p> <p><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.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><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.</p>
Any Amount Of All Schedule V Drugs	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

### 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) 1 to 49 marijuana plants</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>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

## **Convictions for Drug-Related Offenses**

Any student convicted of any drug-related criminal statute must notify the Dean of Student Affairs, in writing, no later than five (5) days after such conviction regardless of where the offense occurred. This is because under federal and state laws, any student convicted of a drug-related felony offense must be denied all federal and state assistance, including Pell Grants. However, a criminal conviction shall not be necessary to find that a student has violated these standards of conduct, and the Argosy University, Hawaii need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

## **Danger Signals Indicating a Drug or Alcohol Problem**

Following is a listing of classic danger signals that may indicate the presence of a drug or alcohol problem:

- abrupt changes in mood or attitude
- decreased efficiency at work or at school
- frequent absences, tardiness, and/or early departures
- relationship problems with family, friends, and co-workers
- unusual outbursts of anger and hostility
- social withdrawal

## **Counseling**

If you observe any of these changes in yourself or another student, you are encouraged to talk with a Counselor. The college contracts with Talk One-2-One, a free service, which provides confidential professional counseling via the telephone 24 hours per day, 7 days a week, at 1- 888-617-3362. The Talk One-2-One counselor may refer you, for limited visits, with an area network mental health provider or assist you with locating resources within the community.

Abuse of alcohol or drugs can lead to dependency and addiction, with serious consequences for personal health and overall quality of life. There are drug and alcohol counseling, treatment, and rehabilitation facilities available in our area where students and employees may seek advice and treatment. The College Counselor can refer you to one that meets your needs.

## **Honolulu-Area Resources**

There are also organizations that may be contacted for help. ACCESS line Oahu (832.3100) or ACCESS line Neighbor Islands (1.800.753.6879) is a 24 hours a day, 7 days a week service. The Adult Mental Health Division Access Program provides trained professionals to provide help to individuals or family members during mental health crisis. For immediate assistance, call 911 or go to your nearest emergency room. The National Institute on Drug Abuse Hotline (1.800.662.4357) is available from 8:00 a.m. to 2:00 a.m., Monday through Friday and from 11:00 a.m. to 2:00 a.m. on weekends.

A list of emergency and sliding-fee scale resources is available from the Student Affairs Office.