



Dear Kilgore College Student,

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), we are sending you the following notification.

KC Drug and Alcohol Prevention Program Annual Notification

Kilgore College adheres to and complies with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which require an Institution of Higher Education to certify with the United States Department of Education that it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by students and its employees. Drug-free and alcohol-free policies have been adopted by the College which will be published and disseminated to students and employees, in writing, annually and will be enforced. Included within this annual notice are:

- The College's standards of conduct;
- A description of the applicable legal sanctions/disciplinary actions under federal, state, or local law and campus policy;
- A description of the health risks associated with alcohol and drug use;
- A list of available treatment programs; and
- A description of disciplinary sanctions for violations of College standards of conduct.

I. Standards of Conduct

A. Employees:

The Employee Personnel Manual contains the Drug and Alcohol Abuse Prevention Policy. A copy of the policy follows:

16.2 ALCOHOL AND DRUGS

Employees shall not unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at the College or at College-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

16.2.1 EXCEPTION

An employee who uses a drug authorized by a licensed physician through a prescription specifically for that employee’s use shall not be considered to have violated this policy. In addition, the following exhibit is provided in the Kilgore College Personnel Policy Manual, approved by the Kilgore College Board of Trustees:

20. EMPLOYEE WELFARE

20.1 EMPLOYEE WELFARE (EXHIBIT)

The College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the College’s activities.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the College, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace. Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the College President of any criminal drug statute conviction the employee incurs for a violation in a workplace no later than five days after such conviction.

Within 30 calendar days of the College President’s or designee’s receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the College President or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment or referral for prosecution or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee.

B. Students:

All Kilgore College students are responsible for complying with Texas state laws and policies of KC. These guidelines establish that:

- No person under 21 years of age may use or be in possession of alcoholic beverages.
- Alcoholic beverages may not be available to minors.
- Misrepresentation of age for the purpose of purchasing alcoholic beverages is a violation of state law.
- Personal possession and consumption of alcoholic beverages is not permitted in residential halls, at athletic events, at social events attended by students, and on the campus grounds.

The college's alcohol and drug policies are contained in the Student Handbook and state:

Absolutely no alcoholic beverages or other intoxicating substances are allowed on the Kilgore College campus. Students found drinking or in possession of alcoholic beverages or other intoxicating substances will be reported to Campus Police immediately and will face disciplinary action from the college, as well as any penalties issued in accordance with Texas State Law.

Texas Alcoholic Beverage Codes 106.4 and 106.5 prohibit consumption or possession of alcohol by a minor. Penalties for violation of either of these codes on the Kilgore College Campus could result in arrest and an appearance in Municipal Court with a fine.

It is the responsibility of the college to maintain an environment which is conducive to teaching and learning and to personal and professional growth. Since irresponsible use of alcohol, intoxicating substances and drugs are detrimental to the maintenance of an educational environment, it is the intent of the college and its Board of Trustees to establish practices and procedures which discourage using alcohol, intoxicating substances, and/or drugs and ensure compliance with local, state and federal laws by all individuals on college property or facilities or property under control or jurisdiction of the college. Administrative officials shall develop and implement in accordance with Board Policy, administrative guidelines and local, state and federal law (with education as the means of prevention), an on-going alcohol/drug awareness and prevention program for students and employees of Kilgore College.

Drug Policy

Use of controlled substances without a valid prescription and/or use of synthetic drugs such as K-2, bath salts, etc. are prohibited. Students are expected to abide by the rules and regulations of Kilgore College and Federal and State Laws regarding the use, sale and distribution of alcohol, controlled substances and synthetic drugs.

Drug and Alcohol Abuse

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226), Kilgore College endeavors to provide an environment for students that is free from illicit drugs and the abuse of alcohol or other intoxicating substances. Accordingly, the college provides information through the Vice President of Student Development's Office and through the college Nurse's Office. Also, see the Code of Student Conduct for penalties regarding these offenses. There are state and federal laws which also apply to the unlawful possession, use or distribution of alcohol, inhalants or illegal drugs. The fines can range from not less than \$25.00 to imprisonment for life and a fine of up to \$250,000.

The health risks of using illegal drugs or inhalants may cause a person to become chemically and psychologically dependent, alter the mechanisms of their body, loss of contact with reality and ultimately, death.

II. Legal Sanctions

The Kilgore College Police Department enforces all federal and state laws and local ordinances.

All Kilgore College students and employees are expected to comply with federal, state, and local drug and alcohol laws as well as KC policies and procedures. Any student or employee who violates any of these drug or alcohol laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state, and/or federal laws may include, but are not limited to fines, jail, or prison sentences up to ninety-nine (99) years or life. (For a more complete list of legal sanctions and laws, see appendix A.) Students who violate both the Code of Conduct and federal, state, local, or other applicable law may be accountable to both Kilgore College and the civil or criminal authorities.

III. Health Risks

Outlined below is a listing of drugs of abuse and their health risks taken from the U.S. Drug Enforcement Administration website. A more complete and detailed accounting may be found at their website at <https://www.dea.gov/factsheets>.

Alcohol: Alcohol consumption causes a number of impairments including changes in behavior and normal body function. Even low doses significantly

impair judgment, coordination mental function thus increasing the risks of accidents and injuries. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses taken acutely can cause respiratory depression and even death. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism and fights. Additional consequences include DUI arrests and serious or fatal car crashes. Continued abuse may lead to dependency, which can cause permanent damage to vital organs and deterioration of a healthy lifestyle.

Amphetamines: Amphetamines can cause a rapid or irregular heartbeat, tremors, convulsions, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

Cannabis (Marijuana, Hashish): The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users can often have a lowered immune system and an increased risk of lung cancer. Users also often lack motivation and general drive to achieve goals.

Club Drugs: Club drugs are drugs such as MDMA (Ecstasy), Rohypnol, GHB, LSD, and methamphetamine and others, which are used at all-night parties such as trances or raves, dance clubs and bars. These party drugs, particularly when mixed with alcohol, can cause serious health problems, injuries, or even death.

Cocaine/Crack: Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

Hallucinogens: Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, PCP episodes may result in self-inflicted injuries, violence and aggressive behavior toward others.

Heroin: Heroin is an opiate drug that causes the body to have diminished pain reactions. Overdoses of this highly addictive drug can result in coma or death due to respiratory failure or cardiovascular collapse.

Methamphetamines: Methamphetamines can cause rapid or irregular heartbeat, increased blood pressure and body temperature. Possible side effects with long-term use include mood disturbances, violent behavior,

anxiety, confusion and insomnia. All users risk becoming infected with diseases such as HIV/AIDS and hepatitis.

Prescription Drug Abuse: Taking a prescription medication that is not prescribed for you, or taking it for reasons or in dosages other than as prescribed, is prescription drug abuse. Commonly abused classes of prescription medications include opioids, central nervous system (CNS) depressants and stimulants. Long-term use of opioids or central nervous system depressants can lead to physical dependence and addiction. Opioids and CNS depressants may cause the user to experience drowsiness, slowing of brain function, as well as decreased heart and respiration rates. Stimulants can cause anxiety, paranoia, dangerously high body temperatures or seizures if taken repeatedly or in high doses.

Salvia Divinorum: Use of salvia can cause hallucination, changes in visual perception, feelings of detachment and a decreased ability to interact with one's surroundings.

Synthetic Drugs (Spice, Bath Salts, etc.): "Spice" refers to a wide variety of herbal mixtures that produce experiences similar to marijuana (cannabis) and that are marketed as "safe," legal alternatives to that drug. The term "bath salts" refers to an emerging family of drugs containing one or more synthetic chemicals related to chathinone, an amphetamine-like stimulant found naturally in the Khat plant. Though research on synthetic substances is still limited, they have been found to be potentially more dangerous than marijuana, cocaine, or other substances of abuse, as they are addictive and can be highly dangerous to humans.

IV. Drug and Alcohol Programs

Kilgore College provides multiple educational and support opportunities for employees and students regarding alcohol and drug abuse. Information is provided through new student and new employee orientation sessions, provided in writing in various policy manuals updated annually and available on the college's website, and through the Vice President of Student Development's office. Additionally, licensed professional counselors and the campus nurse are available for information, support or referrals to appropriate services.

Drug and alcohol education programs are provided throughout the semester by various departments. Student Life typically sponsors an awareness campaign (such as the Kramer Save A Life Tour) prior to Spring Break. The KCPD offers outreach and educational information throughout the semester. Additionally, educational courses and support are available through the East Texas Council on Alcoholism and Drug Abuse (ETCADA). For more information, visit <https://www.etcada.com/>.

V. Disciplinary Sanctions

The Director of Human Resources is the primary source on campus for enforcement of drug and alcohol policies pertaining to employees. The Kilgore College Personnel Policy Manual states,

"The College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the College's activities. Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the College, and referral to appropriate law enforcement officials for prosecution." (Section 20)

The primary sources on campus that enforce the alcohol and drug policies pertaining to students are the Kilgore College Police Department (including canine detection), the Director of Residential and Student Life, and the Vice President of Student Development. For instances involving employees, the Office of Human Resources handles interventions and/or sanctions.

It is the responsibility of the Vice President to assess instances of infractions by students and to determine sanctions. The Kilgore College Student Handbook outlines the following sanctions:

Alcohol and Drug Violations Sanctions

When the Standards of Conduct regarding alcohol and drugs (including synthetic drugs and drug paraphernalia) are violated, Kilgore College will impose, at a minimum, the following sanctions:

Alcohol 1st Offense

1. The student will be placed on disciplinary probation.
2. Assessment of the appropriate fine.
3. If the student is under 21 years of age, notification of the violation will be sent to the student's parent/guardian.
4. Completion of sanctions is contingent for the student to remain in residence hall.
5. Removal from residence hall when appropriate.
6. College imposed sanctions are additional to any legal actions taken by local, state or federal authorities.

Alcohol/Intoxicating Substance 2nd Offense

1. Removal from residence hall (if student is not a resident, they will begin with step 2).
2. Assessment of the appropriate fine.
3. If the student is under 21 years of age, notification of the violation will be sent to the student's parent/guardian.
4. Completion of sanctions is contingent for the student to remain enrolled at Kilgore College.
5. College imposed sanctions are additional to any legal actions taken by local, state or federal authorities.

Alcohol/Intoxicating Substance 3rd Offense

1. Dismissal from school.
2. If the student is under 21 years of age, notification of the violation will be sent to the student's parent/guardian.

Drug/Synthetic Drug/Drug Paraphernalia 1st Offense

1. Removal from residence hall (if student is not a resident, they will begin with step 2).
2. Assessment of the appropriate fine.
3. If the student is under 21 years of age, notification of the violation will be sent to the student's parent/guardian.
4. Completion of sanctions is contingent for the student to remain enrolled at Kilgore College.
5. Submit to random drug testing (at the student's expense).
6. College imposed sanctions are additional to any legal actions taken by local, state or federal authorities.

Drug/Synthetic Drug/Drug Paraphernalia 2nd Offense

1. Dismissal from school.
2. Assessment of the appropriate fine.
3. If the student is under 21 years of age, notification of the violation will be sent to the student's parent/guardian.

Appendix A:

Legal Sanctions Regarding the Unlawful Use, Possession, or Distribution of Alcoholic Beverages and Illicit Drugs*

Local Ordinances:

It is unlawful for any person to consume any alcoholic beverage on the property of any school or other educational institution or on any public street or public property within the city.

It is unlawful for any person to consume alcohol on the outside or inside of a vehicle on the public streets or sidewalks of the city, as well as parking lots of commercial enterprises, including banks and other like institutions.

It is unlawful for any person to have in his possession an open container containing alcoholic beverages on the outside or inside of a vehicle on the public streets or sidewalks of the city, as well as parking lots of commercial enterprises, including banks and other like institutions.

Punishable, upon conviction, by a fine of not less than \$100.00 nor more than \$2,000.00. (City Code, Sec. 8.01.005)

State Laws:

(1) A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another. (Texas Penal Code 49.02)

(2) A person commits an offense if the person knowingly possesses 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. Possession by a person of one or more open containers in a single criminal episode is a single offense. (Texas Penal Code 49.031)

(3) A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. (Texas Penal code 49.04)

- Note that a person may also be convicted of offenses if intoxicated while operating a plane, driving with a minor in the vehicle, or boating. (Texas Penal code 49.045-.06)

- Punishable with a minimum term of confinement of 30 days.

(4) A person commits an offense if the person, by accident or mistake while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another. (Texas Penal Code 49.07)

(5) A person commits an offense if the person: (1) operates a motor vehicle in a public place, operates an aircraft, a watercraft, or an amusement ride, or assembles a mobile amusement ride; and (2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake. (Texas Penal Code 49.08)

(6) A minor commits an offense if the minor purchases or attempts to purchase an alcoholic beverage. (Texas Alcoholic Beverage Code 106.02-.025)

- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

(7) A minor commits an offense if he consumes an alcoholic beverage. (Texas Alcoholic Beverage Code 106.04)

- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

(8) A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system. (Texas Alcoholic Beverage Code 106.041)

- The offense is punishable by a fine of not less than \$500 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. In addition, the court shall order community service to be performed.

(9) A minor commits an offense if he possesses an alcoholic beverage. (Texas Alcoholic Beverage Code 106.05)

- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

(10) A person commits an offense if he purchases an alcoholic beverage for, or gives or makes available an alcoholic beverage to a minor with criminal negligence. (Texas Alcoholic Beverage Code 106.06)

- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The

court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

(11) A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. (Texas Alcoholic Beverage Code 106.07)

- The offense is punishable by a fine of not less than \$250; confinement in jail for a term not to exceed 180 days; or both the fine and confinement. The court may also mandate community service and suspend the driver's license of the convicted individual. Additionally, the court may mandate attendance at an alcohol awareness course.

(12) The manufacture, delivery, or possession of a controlled substance (as defined by the Texas Controlled Substances Act) in the State of Texas is a crime and punishable by a fine up to \$250,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.112-.119)

(13) A person commits an offense if the person knowingly or intentionally delivers marijuana.

- Such offense is punishable by a fine up to \$100,000 and/or prison term of life or not more than 99 years. (Tex. Health & Safety Code 481.120)

(14) A person commits an offense if the person knowingly or intentionally possesses a usable quantity of marijuana.

- This offense is punishable by imprisonment for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000. (Tex. Health & Safety Code 481.121)

(15) A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, or 3 (of the Texas Controlled Substances Act) or knowingly delivers marijuana and the person delivers the controlled substance or marijuana to a person who is a child or who is enrolled in a public or private primary or secondary school.

- This offense is punishable as a felony in the second degree. (Tex. Health & Safety Code 481.122)

(16) Drug related offenses have increased penalties if the offense occurs in a "drug free zone." Drug free zones include institutions of higher education, youth centers, schools (and other facilities) and the areas surrounding such locations.

- Penalties include fines that may be doubled and minimum jail terms that may be raised. (Tex. Health & Safety Code 481.134)

Federal Laws:

(1) 21 U. S. C. 841 makes it a crime (a) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or (b) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

(2) The Controlled Substances Act places all substances which are in some manner regulated into one of five schedules. The CSA provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances.

(3) The U. S. Code establishes and authorizes the U. S. Attorney General to revise as needed, classifications of controlled substances. Schedule I is comprised essentially of “street drugs” and Schedule V is comprised of drugs with a “low potential for abuse” when compared with drugs in schedules I-IV. Examples of Schedule I drugs are heroin and marijuana. PCP, for example, is a Schedule II drug. Amphetamine is a Schedule III drug, while Barbitol is a Schedule IV drug. An example of a Schedule V drug would be a prescription medication with not more than 200 mg. of codeine per 100 grams.

- The penalties are determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana.

- Penalties for first offenses include a fine up to \$10 million and/or a prison term up to life, but no less than 1 year.

For the Drug Enforcement Agency’s complete list of Federal Trafficking Penalties for Schedules I-V and Marijuana, please see:

https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30.

*Penalties for subsequent violations of the above-described provisions are progressively more severe than the initial convictions. Penalties, laws, and statutes may change without notice. This list is not intended to be comprehensive. For a complete list of drug and alcohol related offenses, please contact the appropriate law enforcement agency.

Should you have any questions about our program, please contact me.

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