

SMOKING POLICY

To provide and encourage a healthier environment for students, employees and guests, Judson College has adopted a tobacco-free policy for the entire campus. This policy applies to smokeless tobacco, as well as smoke tobacco products.

Evidence shows us that smoking or breathing secondhand smoke damages nearly every organ in the human body. Additionally, tobacco use is linked to at least 10 different cancers and accounts for some 30 percent of all cancer deaths.

Several Judson employees have participated in a training program with the American Lung Association in order to learn how to assist those who are interested in discontinuing tobacco use. A number of resources are also available from The Tobacco Quit Line, which can be reached at 1-800-QUIT-NOW. Students may contact the Student Life Office for more information.

Violation of the smoking policy will result in disciplinary action by the College.

ALCOHOL AND OTHER DRUG PREVENTION PROGRAM AND POLICY

Judson College expects her students to maintain a high standard of conduct that will at all times favorably reflect upon themselves, the Judson community, and the purpose for which the College was founded. It is with such concern and with concern for the spiritual, emotional and physical well-being of students, as well as compliance with the "Drug Free Schools and Communities Amendments of 1989," that Judson College prohibits the possession of, purchase of, consumption or use of, distribution of, sale of, and/or being under the influence of alcohol or illicit drugs while on campus, off campus but under college jurisdiction, on college-sponsored trips or college social functions. Violations of these regulations subject a student to serious disciplinary action by the College. In addition, violation of said policies may result in severe criminal penalties under local, state and federal law. **The College reserves the right to use all legal means necessary to enforce its regulations and applicable laws. These means may include breathalyzer testing, drug testing, and involving law enforcement in searches.** This action may include completion of an appropriate rehabilitation program, suspension or expulsion from the College, or referral for prosecution. If a student is found in violation of this policy, the student's parent or guardian may be notified of the violation and of the appropriate disciplinary action taken.

DISCIPLINARY SANCTIONS

Any student found to be in violation of this policy may be subject to required participation in a drug or alcohol treatment or rehabilitation program, and/or disciplinary action up to and including expulsion. In addition, illegal activity involving drugs and alcohol may be referred to law enforcement officials for criminal prosecution.

In accord with changes in the Family Educational Rights and Privacy Act, the College may contact parents when any student violates College alcohol or drug policies or laws and is under age 21 or is still a dependent of her parents as defined in Section 152 of the Internal Revenue Code. The College reserves the right to exercise total discretion in the imposition of disciplinary sanctions.

If there is reasonable cause to believe that illegal drug use and/or abuse is occurring in College facilities, including residence hall rooms, such facilities may be entered for investigation by an official of Judson College at any time and without notice. The College will cooperate with civil authorities in the enforcement of drug laws on and off campus. The College may report to the civil authorities anyone charged with violation of drug laws. When disciplinary action is taken in cases of alleged drug abuse on or off campus, such action may or may not be concurrent with any action pending by the civil authorities.

CRIMINAL SANCTIONS

The federal government, the state of Alabama, and the city of Marion have laws and ordinances related to the possession, use, and sale of alcohol and other drugs. Information on these statutes and ordinances and legal penalties is outlined below.

Federal Drug Offenses and Penalties Title 21, USC § 841 etc. seq.

§ 841(b)(1)(A) Distribution of 1 kilogram or more of a mixture or substance containing a detectable amount of heroin; 5 kilograms or more containing coca or cocaine; 100 grams or more of PCP; 10 grams or more of LSD; 1,000 kilos of marijuana; or 50 grams or more of amphetamine is a federal crime punishable by not less than 10 years in prison nor more than life in prison; and if death or serious bodily injury results, not less than 20 years and not more than a \$4 million fine.

§ 841(b)(1)(B) In the case of distribution of 50 kilograms or more of marijuana; or 100 or more plants of marijuana; or 100 kilograms or more of hashish; or one gram of hashish oil, one is guilty of a felony and if convicted may be sentenced to not more than 1 year in prison and fined not less than \$1,000 or more than \$2 million.

§ 841(b)(1)(D) If one is found with a quantity of marijuana less than 50 kilograms, one is guilty of a felony and sentenced to not more than 5 years and fined not to exceed \$250,000.

§ 844 It is unlawful for any person to knowingly or intentionally possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription. If convicted of possession, one may be sentenced to not more than 1 year and not less than a \$1,000 or more than a \$5,000 fine.

§ 845 Distribution of controlled substances to persons under 21 years of age may be punishable by twice the above sentences, as may distribution within 1,000 feet of a school, college, or university.

§ 848(b) If one is the head of a “drug ring” of 5 or more persons engaged in a criminal enterprise involving the manufacture, acquisition, transportation, distribution, or sale of illegal substances, one may be sentenced to life in prison.

§ 853(a) All of the above include the possibility of forfeiture of property derived from or used in the distribution of illegal drugs, or used in the manufacture of such drugs.

State of Alabama Offenses and Penalties Code of Alabama 1975

§ 13A-12-202(c) Criminal solicitation to commit a controlled substance crime is punishable to the same extent as the controlled substance crime solicited.

§ 13A-12-203(c) Attempt to commit a controlled substance crime is punishable to the same extent as the controlled substance crime itself.

§ 13A-12-204(c) Criminal conspiracy to commit a controlled substance crime is punishable the same as the controlled substance crime itself.

§ 13A-12-211 The unlawful distribution of controlled substances, whether sold, furnished, given away, manufactured, delivered, or distributed, is a Class B felony.

§ 13A-12-212 The unlawful possession or receipt of controlled substances is a Class C felony.

§ 13A-12-213 Unlawful possession of marijuana in the first degree results where one possesses marijuana for other than personal use or has been previously convicted of marijuana possession in the second degree, and is a Class C felony.

§ 13A-12-214 Unlawful possession of marijuana in the second degree results where one possesses marijuana for personal use only, and is punishable as a Class A misdemeanor.

§ 13A-12-215 The sale of controlled substances by one over 18 years of age to one under 18 years of age is a Class A felony with no eligibility of suspended sentence or probation.

§ 13A-12-231 One who knowingly sells, manufactures, delivers, or brings into this state cannabis (in any of its forms), cocaine, heroine, morphine, opium, methaqualone, hydromorphone, amphetamine, phencyclidine, lysergic acid diethylamide, methamphetamine, or LSD shall be guilty of a Class A felony, may be fined up to \$500,000, and sentenced for up to life in prison without parole.

§ 13A-12-233 One who engages in a criminal enterprise, in connection with five or more persons, to traffic in illegal drugs shall be sentenced no less than 25 years and no more than life, without eligibility for parole, and fined up to \$500,000. For a second such conviction, a mandatory life imprisonment is required with a fine of not less than \$150,000 or more than \$1 million.

§ 13A-12-250 An additional penalty of 5 years imprisonment is tacked on for the above violation, which occurs within a 3-mile radius of a school, college, or university campus (or housing project; see § 13A-12-270).

§ 13A-12-260 Use, possession, delivery, or sale of drug paraphernalia is a crime punishable as a Class C misdemeanor for possession, a Class C felony for sale, and a Class B felony for sale to one under 18 years of age by one over 18 years of age.

Sentences of Imprisonment in the State of Alabama

§ 13A-5-6 Sentences for felonies shall be for a definite term of imprisonment, which includes hard labor, within the following limitations:

- Class A felony: for life or not more than 99 years or less than 10 years.
- Class B felony: not more than 20 years or less than 2 years.
- Class C felony: not more than 10 years or less than 1 year and a day.

§ 13A-5-7 Sentences for misdemeanors shall be for a definite term of imprisonment in the county jail or of hard labor for the county, within the following limitations: For a Class A misdemeanor, not more than 1 year.

- Class B misdemeanor: not more than 6 months.
- Class C misdemeanor: not more than 3 months.

City of Marion Statutes

The city of Marion does not have any additional statutes regarding alcohol or drug use beyond the federal and state laws, which it enforces.

BREATHALYZER TESTING

Students exhibiting signs of having consumed alcohol, including, but not limited to glassy eyes, slurred speech, unsteadiness on the feet, or emission of an alcoholic odor or refusing to cooperate and exhibiting disorderly behavior may be requested to take a breathalyzer test administered by a college official. If test results are negative, no action shall be taken. If a student tests positive for alcohol, she will receive one additional opportunity to take the test. Students who test positive for alcohol (a .02 reading on the breathalyzer test) or students who refuse to take a Breathalyzer test upon reasonable suspicion to suspect they have consumed alcohol will be subject to all college sanctions relating to the use and/or possession of alcohol.

Protocol for Use of Breathalyzer

1. The Breathalyzer can be used on campus and at all college-sponsored activities including but not limited to: social functions, sporting events, or other extra-curricular activities.
2. The Breathalyzer is administered to any student who is suspected of being under the influence of alcohol using the approved checklist.
3. There will always be two people when the observation checklist is completed and the Breathalyzer is administered (e.g., a member of the Student Life staff or security staff). The Breathalyzer will be administered in a private area, away from students.
4. The student will have two opportunities to test with the Breathalyzer. The initial test may be administered at any time. A second test will be conducted fifteen

- minutes after the first test has been administered. The results of the Breathalyzer test(s) will be documented on the observation checklist.
5. Students who test positive for alcohol or refuse to take the Breathalyzer test upon determination that there is reasonable cause to suspect they have consumed alcohol will be subject to all college sanctions relating to the use and/or possession of alcohol.

HEALTH EFFECTS OF ALCOHOL AND OTHER DRUGS

The use and abuse of alcohol, tobacco, and other drugs have many potential negative consequences to health. A chart outlining these harmful consequences, as reported by the United States Drug Enforcement Agency, may be found at <http://www.justice.gov/dea/pubs/abuse/chart.htm>.

ALCOHOL, TOBACCO, AND DRUG TREATMENT PROGRAMS

The following drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) are available to students:

- Judson College Counseling Services, 334-683-5118
- Bradford Health Services, 1-888-577-0012
- Cahaba Center for Substance Abuse Services, 334-874-2600
- Indian Rivers Substance Abuse Outpatient Program, 205-926-4681
- The Tobacco Quit Line, 1-800-QUIT-NOW

Additional treatment programs may be found by using the federal government's Substance Abuse Treatment Facility Locator, which is available online at <http://findtreatment.samhsa.gov>.