

## ***DRUG AND ALCOHOL POLICY***

Sitting Bull College agrees with the concepts of a drug free work place as defined by the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226. In compliance with federal regulations, the institution will adhere to the following:

1. It is a policy of Sitting Bull College that it is prohibited for a student to engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance at SBC. The policy is in compliance with the following Tribal Code: Section 4-801. If an employee of the College believes a student is intoxicated or involved in any of the above mentioned dealings with alcohol/other drugs, the following steps will be taken:
  - a. Campus Security will be notified of the situation in which he or she will respond. Once contact is made with the individual, the student may be asked to submit to a Preliminary Breath Test (PBT). Depending on the seriousness of the situation, the student will be escorted off the SBC property. BIA Law Enforcement will be contacted, and/or referred to the College Counselor. An incident report will be written and turned over to the Vice President of Operations or Dean of Academics for further action.
  - b. If this situation occurs a second time with the same student during the academic term, the student will be placed on disciplinary dismissal until treatment or counseling or both are received. Upon applying for reentry into the College, the student must provide verification of treatment to the Vice President of Operations. Students will be referred to Chemical Prevention for assessment.
2. The purpose of this policy is not to be punitive, but to ensure this institution is not enabling a student's abusive use of chemicals. In an effort to maintain a drug-free school, the institution does provide a drug-free awareness program that consists of, but is not limited to the following:
  - a. During registration, students will receive pamphlets regarding counseling services available within the area for addiction problems.
  - b. Information bulletin board maintained with updates and free materials for students and staff.
  - c. The library maintains and updates drug-related materials.
  - d. Counseling and referral services will be provided.
  - e. SBC Web site with resource links.

The Sitting Bull College Counselor may make referrals to the Standing Rock Sioux Tribe Chemical Prevention Program for students who have drug or alcohol problems.

## ***RANDOM DRUG SEARCHES***

All people on SBC properties are liable to be searched at random which may or may not include drug dogs. If drugs are found, the accused will be subject to Tribal Law.

SBC forbids the possession and/or use of alcohol and/or drugs on campus, sites or at any SBC sponsored activity. Sitting Bull College will specify those standards of behavior, which it considers essential to its educational mission and its community life. These specific regulations shall be designed to represent reasonable standards of student conduct.

The following misconduct for which students are subject to college discipline applies to all times on campus and any off campus functions sponsored or supervised by the college.

In the event that drugs are found or a student is suspected of having them, Campus Security will be notified immediately.

**LISTS OF FEDERAL TRAFFICKING PENALTIES ARE AS FOLLOWS:**

Drug Trafficking Penalties, source: [www.dea.gov](http://www.dea.gov)

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life.</li> <li>• If death or serious injury, mandatory life.</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual.</li> </ul>
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life.</li> <li>• If death or serious injury, mandatory life.</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual.</li> </ul>
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years.</li> <li>• If death or serious injury, mandatory life.</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual.</li> </ul>
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years.</li> <li>• Fine not more than \$250,000, \$1 million other than individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years.</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual.</li> </ul>
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

DRUG/SCHEDULE	QUANTITY	PENALTIES
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gm or more	
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
Flunitrazepam (Schedule IV)	30 to 999 mgs	
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
Flunitrazepam (Schedule IV)	Less than 30 mgs	
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties - Marijuana			
DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life.</li> <li>• If death or serious injury, mandatory life.</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual.</li> </ul>
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life.</li> <li>• If death or serious injury, mandatory life.</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual.</li> </ul>
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years.</li> <li>• If death or serious injury, mandatory life.</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual.</li> </ul>
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> <li>• Not more than 5 years.</li> <li>• Fine not more than \$250,000, \$1 million other than individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years.</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual.</li> </ul>