



**Western Nebraska
Community College**

BIENNIAL REPORT

2018

BIENNIAL REVIEW COVERING THE
PRIOR TWO (2) ACADEMIC YEARS

**DRUG-FREE SCHOOLS AND
COMMUNITIES ACT**

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INTRODUCTION / OVERVIEW

PURPOSE OF REPORT

The purpose of this Report is to comply with the Drug-Free Schools and Campuses Regulation (EDGAR Part 86). Institutions of Higher Education (IHE) that receive federal funds or financial assistance are required to maintain programs that prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its campuses and at college-sponsored activities and events. To comply with this Regulation, Western Nebraska Community College (WNCC) is required to conduct Biennial Reviews of its Alcohol and Drug Policy and Prevention Program to determine their effectiveness, determine the consistency of sanction enforcement, and implement any necessary changes.

Further, the Regulations require WNCC to annually distribute the following written information to all current students and employees:

- The standards of student and employee conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
- Statements of the health risks associated with the use of alcohol and other drugs
- A description of any drug or alcohol counseling, treatment, rehabilitation or reentry programs that are available to students or employees
- An explicit statement articulating that the institution will impose sanctions on students and employees for violations of the standards of conduct, along with a description of those sanctions which could include expulsion or termination of employment and referral for prosecution

OVERVIEW

Western Nebraska Community College has three (3) campuses, with classrooms in Alliance, Scottsbluff, and Sidney. Residence Halls are located on the Scottsbluff and Sidney campuses. WNCC is committed to maintaining a healthy and safe community through its policies and procedures and through comprehensive education and intervention efforts on alcohol and other drugs.

Biennial Review Process

The institution conducts biennial reviews of its drug prevention programs to determine its effectiveness, implements necessary changes, and ensures that disciplinary sanctions are enforced through the following means:

- Assessment by the Dean of Students of the College's various education programs; and
- Assessment of any documented drug treatment referrals for students and employees.

The Dean of Students conducts the biennial reviews and consults with various College offices for this review, including but not limited to Human Resources, Student Services, Residence Life, and Campus Security.

Timeframe of Review

WNCC conducts its biennial review in even-numbered years and the focus of this report is on the two preceding academic years.

Requesting Copies of the Biennial Review

Copies of the biennial review are kept in the Office of the Dean of Students and are available to read or download on the College's website.

Annual Notification Process

The Drug-Free Schools and Communities Act information is distributed in several ways:

- An e-mail is sent annually to every student and every employee with the links to the information;
- It is published in our Student Handbook, which is distributed to every new student every semester;
- Drug and Alcohol information and possible sanctions are set forth in the Residence Life Manual;
- It is published on our website: <https://www.wncc.edu/about-wncc/consumer-information>; and

- The policy is discussed during new student orientations, which include both students and parents. Participants also receive compliance information, such as FERPA and the Campus Crime Report.

COMPLIANCE

Western Nebraska Community College complies with the Drug-Free Schools and Campuses Regulations through the following means:

- The College has affirmed in Board policy its responsibility and commitment to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by student and employees on its property or as part of any of its activities and to comply with the Drug Free School and Communities Act.
- The College maintains a copy of its Alcohol and Drug Abuse Policy. It can be found in the Annual Security Report, The Student Handbook, The Residence Life Handbook, and on the College's website.
- The College provides its employees and students annually with written and online materials that adequately describe:
 - Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activities;
 - A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
 - A description of applicable legal sanctions under state, local, and federal law;
 - A description of applicable counseling, treatment, or rehabilitation programs; and
 - A clear statement of the disciplinary sanctions the institution will impose on students and employees.

Alcohol and Other Drug Information

Standard of Conduct/Disciplinary Sanctions

Western Nebraska Community College's standards of conduct clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its officially recognized activities.

College policy prohibits the use, possession, or sale of alcoholic beverages in any form on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions, unless specifically approved by the Board of Governors in advance. The approval and authorization for the use, possession or sale of alcoholic beverages in any form on College property, within College facilities or at College sponsored or supervised off-campus functions is further conditioned upon the requirement that any use, possession or sale of alcoholic beverages be in complete conformity with the requirements of law.

The laws of local, state, and federal authorities pertaining to the possession and use of illicit drugs and alcoholic beverages on public property shall be followed. Specifically, this means that is a violation of the drug and alcohol policy for students or employees to purchase, manufacture, possess, consume, or sell such items on campus.

Student Code of Conduct

As an educational institution of higher education, WNCC seeks to provide the best educational environment for its students, faculty, and staff. The purpose of the Student Code of Conduct is to help ensure a safe and educationally productive environment for students, employees and visitors. Conduct that adversely affects a student's responsible membership in the academic community shall result in appropriate disciplinary action.

The College sets forth a clear policy regarding alcohol and other drugs and indicates the following are forms of Non-Academic Misconduct that can subject students to discipline:

Alcohol - College policy prohibits the use, possession, or sale of alcoholic beverages on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions, unless specifically approved by the Board of Governors in advance and in full compliance with all applicable laws

Drugs - College policy prohibits the consumption, possession or sale of controlled substances and/or the presence of persons under the influence of controlled substances on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions. Conduct covered by this offense includes but is not limited to:

- a. Manufacture, distribution, sale, offer for sale, possession, or use of any illegal drug or narcotic, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana;
- b. Misuse or abuse of legal drugs or narcotics;
- c. Possession of a device (drug paraphernalia) that has been used to ingest an illegal drug or narcotic.

More information, including the complete text of the code, can be found in the student handbook, and on the web at www.wncc.edu.

Student or employee violations of the standards as stated in the above paragraph shall result in any one or a combination of the following disciplinary sanctions:

*Warning

*Disciplinary probation

*Suspension – up to and including expulsion or termination of employment

*Referral to an appropriate drug/alcohol treatment program

*Any other action considered necessary by college officials

Definitions and accompanying procedures of these sanctions pertaining to students can be found in the Student Handbook. Policies and procedures of these sanctions pertaining to employees are included in the Board of Governors Policy Manual. Students' rights shall be protected in accordance with due process.

Students' accused of violating the drug/alcohol policy as established shall have the right to:

1) A hearing before the appropriate campus official or judicial board, and 2) access to an appeal as defined within the college policies and procedures.

Employee Drug/Alcohol Policy

The College affirms its responsibility and commitment to maintain a drug-free workplace strictly according to the terms and conditions of the Drug-Free Workplace Act of 1988. The College is obligated to provide a drug-free, safe, healthy, and secure workplace for employees.

The college prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on College property or while conducting College business off-premises. Any employee convicted of a criminal drug offense under the above conditions is subject to appropriate personnel action up to and including termination or satisfactory participation in a drug rehabilitation program.

The College has established drug-free awareness programs to be implemented through the President which informs all employees about:

- 1) The dangers of drug abuse in the workplace;
- 2) The College's policy of maintaining a drug-free workplace;
- 3) Drug counseling, rehabilitation, and employee assistance programs; and
- 4) Appropriate personnel actions and penalties which may be imposed for drug abuse violations.

This policy applies to all faculty, staff, or student employees; and all employees, as a condition of employment, must abide by the terms of this policy and must also report any criminal drug conviction within five days after the conviction to their immediate supervisor. This includes any drug violation occurring on or off College premises while conducting College business.

Employee Assistance Program (EAP)

The College has also established an Employee Assistance Program (Connections) to assist faculty, staff and their families. The Connections EAP program includes assistance for alcohol and substance abuse issues and can be accessed by contacting a 24-hour toll free hotline at 1-800-779-6125. Employees may contact Human Resources for additional information.

Counseling, Treatment and Rehabilitation

There are numerous drug and alcohol counseling, treatment, and rehabilitation centers located within the 12-½ county area served by Western Nebraska Community College. The following listing groups these centers in in the following categories: information and referral offices, outpatient services and inpatient facilities. This is a partial list and inclusion of an organization does not imply endorsement nor does omission imply disapproval:

Information and Referral Offices

Western Nebraska Community College Counseling Center
308-635-6090

Community Action Partnership of Western Nebraska (CAPWN)

Main Admin. Phone: (308) 635-3089

Health Center Phone: (308) 632-2540

Toll Free Phone: 1-888-448-9665

www.capwn.org

Alcoholics Anonymous (locate registered groups by town in Nebraska)

<http://www.area41.org> (Meeting Locator)

1-877-AA-OF-NEB (1-877-266-3632)

Wyo-Braska Area Service Committee of Narcotics Anonymous (Meeting locator)

<http://www.wyo-braskana.org/meetings>

Nebraska Family Helpline

1-888-866-8660

http://dhhs.ne.gov/behavioral_health/Pages/nebraskafamilyhelpline_index.aspx

Outpatient Services

Community Action Health Center / Community Action Partnership of Western Nebraska

(Behavioral Health Services offers the following: Substance Abuse Counseling, Mental Health Counseling, Medication Management and Intensive Outpatient Services)

Main Admin. Phone: (308) 635-3089

Health Center Phone: (308) 632-2540

Toll Free Phone: 1-888-448-9665

www.capwn.org

Regional West Medical Center Behavioral Health

Medical Plaza North

Two West 42nd Street, Suite 3200

Scottsbluff, NE 69361

308-635-3711

www.rwhs.org

Addiction Counseling and Consultation Services, Inc.

1917 Avenue A, Scottsbluff NE 69361

(308) 633-1390

www.accsinc.net

Box Butte General Hospital Behavioral Health

2101 Box Butte Avenue

Alliance, NE 69301

(308) 762-2723 or 6868

<http://www.bbgh.org/services/medical-services/behaviorial-health.html>

Inpatient Treatment Facilities / Services

Human Services Incorporated (Adult Short Term Residential (Inpatient) Treatment)

419 West 25th Street

Alliance, NE 69301

308-762-7177 (24-hour crisis line)

North East Panhandle Substance Abuse Center (NEPSAC)

224 Main Street, Chadron, NE 69337

(308) 282-1101

Veterans' Hospital & Treatment Center

500 N. 5th Street
Hot Springs, SD 57747
605-745-2000

HALF-WAY HOUSE and RE-ENTRY PROGRAMS**The Foundation Clean and Sober Living Home (Men)**

3707 Avenue D
Scottsbluff, NE 69361
(308) 575-0693

Human Services Incorporated (Transitional Living Program)

419 West 25th Street Alliance, NE 69301
(308) 762-7177

Any of these resources can also provide information and assessment relating to drug and alcohol abuse. In addition, the local resources can furnish schedules for local and area meetings of Alcoholics Anonymous, Narcotics Anonymous, Alanon, Adult children of Alcoholics, Alateen, and Alatot. Both inpatient and outpatient treatment centers offer help for the entire family of alcoholic or drug user.

Western Nebraska Community College makes no representation or endorsement as to the quality, effectiveness or appropriateness of any of these services. The listings herein are provided as an informational service only.

Health Risks

Numerous health risks have been identified with substance abuse (use of illicit drugs and excessive use of alcohol). Abusers can lose resistance to disease, develop physical and psychological dependence, become depressed, develop heart problems, contract infections, or become malnourished, physically exhausted and even die.

Reality is often distorted, reactions may be slower, and the risk of accidents increases. Extended substance abuse can cause coma, respiratory arrest, and convulsions. Injected drugs increase the risk for infectious diseases such as hepatitis and AIDS. Body systems are affected. The liver, lungs and heart are damaged.

For women, there is an increase in birth defects associated with use during pregnancy. The counseling office has more in-depth information on the inherent health risks related to substance abuse.

LEGAL SANCTIONS

OFFENSES RELATED TO ILLEGAL DRUGS

Selected Nebraska Drug Offenses & Penalties

The regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act (Neb. Rev. Stat. § 28-401 et seq.). In addition, there are other Nebraska State laws which establish penalties for various drug related offenses which are summarized below.

Controlled Substance Analogue: Nebraska's Uniform Controlled Substances Act treats controlled substance analogues the same as controlled substances. These drugs, also known as synthetic or designer drugs, are defined under the Act as a substance whose chemical structure is substantial similar to the chemical structure of a controlled substance or which have a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(430(a)(Reissue 2016)(Cum.Supp.2017).

Crimes Involving Minors: Any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification. The Act also provides for an enhanced penalty for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. Neb. Rev. Stat. § 28-416(4)(a) and 5(a)(Reissue 2016)(Cum.Supp.2017). The Act also provides that if the person convicted of violating this section is eighteen years of age or younger, the court may as part of the conviction impound their motor vehicle licenses or permits and require such person to attend a drug education class. Neb. Rev. Stat. § 28-416(19)(Reissue 2016)(Cum.Supp.2017).

Conditions of Probation: Any person convicted under the Uniform Controlled Substances Act and placed on probation shall attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416(14)(Reissue 2016)(Cum.Supp.2017).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose: It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution under this subdivision, it shall not be necessary for the state to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction under this subdivision for the state to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1) (g) (Reissue 2016).

Property Forfeiture: Property used to manufacture, sell or deliver controlled substances can be seized and forfeited to the state. Property subject to forfeiture may include money, vehicles, boats, and aircraft. Neb. Rev. Stat. § 28-431 (Reissue 2016).

Drug Paraphernalia Offenses: It is a violation of Nebraska law for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2016) (Cum.Supp.2017). “Drug paraphernalia” shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Neb. Rev. Stat. § 28-439 (Reissue 2016). It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances in which one reasonably should know, that it will be used to manufacture, inject, ingest, or inhale or otherwise be used to introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-442 (Reissue 2016) (Cum.Supp.2017). It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).

A violation of Neb. Rev. Stat. § 28-441 is punishable by a fine of not more than \$100 for first offense, not less than \$100 and not more than \$300 for second offense, and not less than \$200 and not more than \$500 on third or subsequent conviction. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 is not more than six months imprisonment or \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2016) (Cum.Supp.2017). The penalty for violation of Neb. Rev. Stat. § 28-443 is a Class I misdemeanor; imprisonment for not more than one year, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-443 (Reissue 2016).

Imitation Controlled Substances: It is a violation of Nebraska law to knowingly and intentionally manufacture, distribute, deliver or possess with intent to distribute or deliver an imitation controlled substance. "Imitation controlled substance" is a substance which is not a controlled substance but which is represented to be an illicit controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). First offense violations of this law are punishable by a three-month

imprisonment, or \$500 fine, or both. A second offense violation of this statute is punishable by not more than six months imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-445 (Reissue 2016).

Tax penalties and consequences of conviction:

Anyone who possesses or sells controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana and controlled substances are taxed at the following rates:

- Illegal marijuana is taxed at \$100 on each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303(1)(a) (Reissue 2009).
- Any controlled substance that is customarily sold by weight or volume is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303(1)(b) (Reissue 2009).
- Any controlled substance that is not sold by weight is taxed at \$500 for each fifty dosage units or portion thereof. Neb. Rev. Stat. § 77-4303(1)(c) (Reissue 2009).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to two years imprisonment and twelve months post-release supervision or a \$10,000 fine or both. If imprisonment is imposed, there will be a minimum of a 9-month post-release supervision. Neb. Rev. Stat. § 28-105(1) (Reissue 2016); Neb. Rev. Stat. § 77-4309 (Reissue 2009).

OFFENSES RELATED TO ALCOHOL

Selected Nebraska Alcohol Offenses

Procuring Alcohol: It is a violation of Nebraska law to sell, furnish, give away, exchange, or deliver, or permit the sale, gift or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 2010). Violation of this law is punishable by not more than 1-year imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 2010) and § 28-106 (1) (Reissue 2016). Any person who knowingly and intentionally violates this provision and the acts resulted in serious bodily injury or death to any person shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days imprisonment as part of any sentence.

Minor in Possession: No minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). Violation of this law is punishable by a three-month imprisonment, or \$500 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 2010) and § 28-106 (1) (Reissue 2016).

Consumption on Public Property: It shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. Neb. Rev. Stat. § 53-186 (Reissue 2010).

A violation of this statute is punishable as follows: (1) For the first offense be fined not more than one hundred dollars; (2) upon a second conviction for the same infraction within a two-year period be fined not less than one hundred dollars and not more than three hundred dollars; and (3) upon a third or subsequent conviction for the same infraction within a two-year period be fined not less than two hundred dollars and not more than five hundred dollars. Neb. Rev. Stat. § 29-436 (Reissue 2016).

Driving Under Influence: Driving while under the influence of intoxicating liquors or drugs is a violation of Nebraska law. Pursuant to Neb. Rev. Stat. § 60-6,196 (Reissue 2010):

(1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

- (a) While under the influence of alcoholic liquor or of any drug;
- (b) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
- (c) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as provided in sections 60-6,197.02 to 60-6,197.08.

A violation of this statute is punishable as follows:

(1) Except as provided in subdivision (2) of this section, if such person has not had a prior conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of six months from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to [section 60-6,211.05](#) for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of sixty days from the date ordered by the court. The court shall order that during the period of revocation the person apply for an ignition interlock permit pursuant to [section 60-6,211.05](#). Such order of probation or sentence suspension shall also include, as one of its conditions, the payment of a five-hundred-dollar fine;

(2) If such person has not had a prior conviction and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of one year from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of one year from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such order of probation or sentence suspension shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for two days or the imposition of not less than one hundred twenty hours of community service.

Neb. Rev. Stat. § 60-6,197.03.

Increased penalties provided for subsequent offenses and for higher concentration of alcohol:

Second Conviction: Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. As part of the judgment of conviction, the offender's operator's license is revoked for 18-months. If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18-months. In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement

in the city or county jail for 10-days or the imposition of not less than 240-hours of community service.

Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2016) and § 28-106(1) (Reissue 2016).

Third Conviction: Penalties for a third conviction include a \$1,000 fine and a maximum of a 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15-years. If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2-years but not more than 15-years. In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30-days.

Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2016).

Fourth and subsequent convictions: A fourth and subsequent convictions will result in up to a 3-year imprisonment and 18-months post-release supervision (with a minimum of 9-month post-release supervision if imprisonment is imposed) or a \$10,000 fine, or both, and are a Class IIIA felony conviction. Offenders in this class of enhanced convictions will have their licenses revoked for a period of 15-years and the offender must spend at least 180-days imprisoned in a city or county jail or an adult correctional facility. Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15-years. The probation order shall also include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 90-days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90-days after release.

Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2016) and Neb. Rev. Stat. § 28-105(1) (Reissue 2016).

Higher Alcohol Concentration: Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony, punishable by up to 20-years in prison.

Neb. Rev. Stat. § 60-6,197.03 (Reissue 2010; Cum. Supp. 2016) and Neb. Rev. Stat. § 28-105 (Reissue 2016).

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "sale to minors" and "open container" laws.

Alliance, Nebraska Code of Ordinances

Sec. 4-5. Minors on premises prohibited.

It shall be unlawful for any person under the age of 21 years to be in or upon the premises occupied by the holder of any alcoholic liquor license wherein alcoholic beverages are consumed; provided, however, this prohibition shall not apply to the premises which are occupied by hotels, clubs, bona fide restaurants, supermarkets or convenience stores.

Sec. 4-6. Sale to minors prohibited.

No alcoholic liquor licensee, manufacturer, or distributor shall sell or give away any alcoholic liquor to any person who is less than 21 years of age, or to any person who is mentally incompetent. It shall be unlawful for any person who is not 21 years of age to represent that is more than 21 years of age for the purpose of purchasing or receiving alcoholic liquors.

Sec. 4-7. Sale and possession by minor prohibited.

(a) Except as provided in R.R.S. 1943, § 53-168.06, no minor may sell or dispense or have in his possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, upon property owned by the state or any subdivision thereof, or inside any vehicle while in or on any other place including but not limited to the public streets, alleys, roads, highways, or upon property owned by the state or any subdivision thereof, except that a minor may possess or have physical control of alcoholic liquor in his permanent place of residence.

(b) The term minor shall mean any person, male or female, under 21 years of age; regardless of marital status.

Sec. 4-8. Consumption on premises.

It shall be unlawful to consume or permit to be consumed alcoholic liquors other than beer upon premises which are licensed to sell at retail beer only (class A license). Except as otherwise provided in R.R.S. 1943, § 53-123.04, it is unlawful to consume or permit to be consumed alcoholic liquor or beer on premises holding a class D alcoholic liquor license.

Scottsbluff, Nebraska Municipal Code

13-6-1. Alcoholic liquor; consumption; open containers; places unlawful.

It shall be unlawful for any person:

(1) to consume or have in his or her possession any open container of alcoholic liquor in the public streets, alleys, roads, highway or parking areas, or any other property owned by or under

the control of the State or any governmental subdivision, except as provided in this Article; or
(2) to consume or have in his or her possession any open container of alcoholic liquor in any place of public resort or any place open to the general public (including parking areas or lots) except as permitted by a license issued for the premises pursuant to the Nebraska Liquor Control Act,

(3) to consume or have in his or her possession any open container of alcoholic liquor inside a motor vehicle unless the alcoholic liquor is located so that no occupant of the motor vehicle shall have access to it while the vehicle is in motion, or

(4) to consume any alcoholic liquor other than beer upon a premise licensed for the sale of beer at retail only.

A container of alcoholic liquor shall be considered an “open container” if the seal of the original package is broken. (Ord. 3641, 2000)

City of Sidney, Nebraska Codified Ordinances

434.01 Driving Under Influence of Alcohol or Drugs

No person shall operate or be in the actual physical control of any motor vehicle upon the streets or alleys or any public place within the City while under the influence of any alcoholic liquor or drug.

(1958 Code § 16.58)

612.08 Sale to Minors; Incompetents.

No person shall sell or give any alcoholic liquors to or procure any such liquor for or permit the sale or gift of any such liquor for or permit the sale or gift of any such liquor to or the procuring of any such liquor for, any minor or any person who is mentally incompetent or any person who is physically or mentally incapacitated due to the consumption of such liquors. (1958 Code § 3.4) (Ord. 1784. Passed 2-14-17.)

612.09 Misrepresentation of Age.

No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold. (1958 Code § 3.4) (Ord. 1784. Passed 2-14-17.)

612.12 Consumption of Liquor on Public Property, Public Roads, Streets, Alleys.

It shall be unlawful for any person to consume alcoholic liquors in the public parks, streets, alleys, parking areas, roads or highways, or inside vehicles while upon the public parks, streets, alleys, parking areas, roads or highways; or upon property owned by the state or any governmental subdivision thereof, unless authorized by the City Council or its designated agent or unless otherwise provided by law. (1958 Code § 3.10) Ord. 1784. Passed 2-14-17.)

FEDERAL LAW: Federal Penalties and Sanctions for Illegal Possession of Controlled Substances:

21 USC 801 et seq., and more specifically 21 USC 841, states that it shall be unlawful for any person to knowingly or intentionally:

To manufacture, distribute or dispense with intent to manufacture, distribute or dispense a controlled substance; or to create, distribute or dispense or possess with intent to distribute or dispense a counterfeit substance.

1. 21 U.S.C. § 844(a)

First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After one (1) prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After two (2) or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000.

2. 21 U.S.C. § 853(a) and 881(a) Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. Forfeiture of aircraft, vehicles, or vessels, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

3. 21 U.S.C. § 844(a)

Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

4. 21 U.S.C. § 862 (a) and (b)

Drug Traffickers: Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substance shall, at the discretion of the court, be ineligible for any and all federal benefits (e.g., student loans, grants, contracts, professional or commercial license). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

Drug Possessors: Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance shall, at the discretion of the court, be ineligible for any and can last up to one year and the individual shall be required to successfully complete an approved drug treatment program which includes periodic testing to insure the individual remains drug free.

5. 18 U.S.C. § 922(g)(9) Ineligible to receive or possess any firearm or ammunition.

Table 1 below describes the federal mandatory minimum sentencing provisions for various drug and drug related offenses: *Source: Congressional Research Service, January 11, 2018, available on-line at the following: <https://fas.org/sgp/crs/misc/R45075.pdf>

Substance	Minimum	Maximum
Trafficking 21 U.S.C. § 841(b)(1)(A)/960(b)(1) substances (e.g., 1 kilo or more of heroin)	10 years	life
if death or serious injury results	20 years	life
with prior drug felony conviction	20 years	life
with prior drug felony conviction if death or serious injury results, or with two or more drug felony convictions	life	life
Trafficking 841(b)(1)(B)/960(b)(2) substances (e.g., 100 grams or more of heroin)	5 years	40 years
if death or serious injury results	20 years	life
repeat offender	10 years	life
repeat offender if death or serious injury results	life	life
Trafficking lesser amounts of 841(b)(1)/960(b) substances; other Schedule I or II substances; analogues; or date rape drugs: if death or serious injury results	20 years	life
repeat offender if death or serious injury results	life	life
Simple possession of a controlled substance with 1 prior conviction	15 days	2 years
Simple possession of a controlled substance with 2 or more priors	90 days	3 years
Drug kingpin	20 years	life
repeat offender	30 years	life
large operation (e.g., gross \$10 million + per year)	life	life
killing in furtherance	20 years	life/death
Unless a higher minimum applies, distribution of a controlled substance to a pregnant woman, or using a child	1 year	2x usual penalty
repeat offender	3 years	3x for repeat offenders
Unless a higher minimum applies, distribution of a controlled substance proximate to a school or other prohibited location	1 year	2x usual penalty
repeat offender	3 years	3x usual penalty

Narco-terrorism involving 841(b)(1) substances	2x usual minimum	life
Firearm possession in furtherance of drug trafficking (varying by use, firearm, recidivism)	7 years–life	life
Unlawful firearm possession with 3 or more prior serious drug or violent felony convictions	15 years	life
Serious felony with 2 or more prior serious drug and/or violent felony convictions	life	

PROGRAM GOALS

The goals of the WNCC Alcohol and Other Drug Education and Prevention program are twofold:

- To educate students and staff on the appropriate use and misuse of alcohol and other drugs; their negative health effects; and local, state, and federal regulations.
- To provide an effective prevention program for students and staff, including positive social marketing to enhance the students’ educational experience on campus.

POLICY DEVELOPMENT & ENFORCEMENT

AOD policies are developed and enforced on- and off-campus through the following means:

- DUI laws are enforced on and off campus by appropriate law enforcement agencies;
- Disciplinary sanctions for violations of campus AOD policies are enforced;
- All coaches are notified when a student athlete is written up for an alcohol violation in the residence halls;
- Students who receive citations off campus for underage drinking or distribution of alcohol to minors are held accountable through the campus student conduct process; and
- The Office of the Dean of Students regularly communicates with local law enforcement and community members regarding off-campus incidents and concerns about students’ behavior and safety.

PROGRAM ELEMENTS

During the prior two (2) academic years, the following educational programs were offered at WNCC.

For Resident Assistant Training:

- Behind Closed Doors, a situation simulation exercise;
- CPR, including a module on alcohol-related health issues;
- Prevention training, focused on alcohol-free programming; and
- Training on the current policy and how to enforce.
- TIP's University Training

For All WNCC Students:

- Professional poster campaigns;
- State Patrol Drug and Alcohol Education programs;
- One prevention-oriented program per semester, including Safe Spring Break promotions, sandwich board education, and the WING Drug Task Force team;
- Presentation on Drug Abuse by Chuck Elley of the Nebraska State Patrol;
- The Sidney Police Department's presentation of an alcohol awareness program that included the use of impaired driving goggles;
- Alcohol Free events, such as BBQ, dances, and movie nights; and
- Professional counselor on staff for intervention and education for alcohol policy offenders.

RESTRICTIONS

The AOD prevention program limits alcohol availability through the following means:

- Alcohol is prohibited in the College's Residence Halls;

- Alcohol is restricted on campus. All community members must follow the alcohol policy;
- Alcohol use is prohibited in public places; and
- Kegs are prohibited on campus.

MARKETING & PROMOTION

The marketing and promotion of alcohol on campus is limited in the following ways:

- Alcohol advertising is banned on campus;
- Alcohol industry sponsorship for on- and off-campus events is banned;
- No images of alcohol, e.g. mugs, kegs, or drinking behaviors, are allowed in publications; and
- Alcohol promotions with special appeals to underage drinking are banned.

ALCOHOL AND DRUG COMPREHENSIVE PROGRAM GOALS, OBJECTIVES AND OUTCOMES FROM LAST REVIEW

In the last biennial review, the Report conducted an overview and identified some strengths, weaknesses and recommendations to be accomplished during the biennium. The items outlined below are the recommendations along with objective updates:

1. A need for key personnel to be identified to take part in the biennial review process and /or sit on a formal committee.

This objective was partially met and the spirit of this objective was accomplished. While a formal committee was not established due to a transition within the Dean of Students office, key personnel were identified to assist the Dean of Students with compilation of relevant data and the analysis of the information necessary to conduct a biennial review.

Specifically, a new Dean of Students was hired during this period and a biennial review was conducted by the new Dean with input from key stakeholders including the Vice President of Student Services, Human Resources Executive Director, Institutional Effectiveness Director, Athletic Director, Assistant Dean of Students and Campus Security.

In addition, during the biennium, the College has hired an Institutional Effectiveness Director and Assistant Dean of Students who now work with the Dean of Student concerning areas essential to the biennial review, including student conduct, compilation of relevant statistical information, and analysis of these areas.

2. Recommendation that before an education/prevention program is started, a nationally normed assessment be given to a random sample of students at the campuses.

This Objective was not met. As set forth above, while new personnel have been hired to assist in this process, changes in personnel during the biennium prevented this recommendation from being implemented.

3. Recommendation for a separate educational component on the effects of AOD abuse on athletic performance.

This objective was partially met as student athletes receive educational, testing and policy-related drug and alcohol information impacting them as student athletes but a mandatory / separate educational component on the effects of AOD on athletic performance was not met. The Athletic Department provides a Student Athlete Handbook to all student athletes that sets forth the Department's drug testing policy and drug testing protocols and which further informs student athletes of the following:

The WNCC Athletic Department is an educational department with a zero tolerance for the illegal use of alcohol and drugs. Student-athletes are expected to know the current department sanctions for the use of these illegal substances.

Athletic Alcohol Policy

1st violation – Player is suspended for next upcoming regular season game. Entire team will have extra conditioning that is selected and supervised by the Head Coach. Player will have to complete 10 hours of community service. Parents will be notified about the violation. If infraction occurs during an off-season time, player's suspension will occur during the upcoming competitive season.

2nd violation – Player is suspended for 1 week from practice and competition. Must go through extra conditioning, sessions with an on campus counselor, and complete the Alcohol 101 program on the internet. Player will have to complete 20 hours of community service. Parents will be notified about the violation. If infraction occurs during an off-season time, player's suspension will occur during the upcoming competitive season.

3rd violation – Player is suspended for the remainder of the year. Student athlete scholarship is revoked.

Above policies are standard for every WNCC intercollegiate athletic team. Each head coach has the right to add additional stipulations to the above policies. Players will receive a written copy of individual team policies during the first team meeting in the fall of each year. Head coaches will add to the above policies when a DUI or violent infraction is included in the alcohol violation. All student-athletes at Western Nebraska Community College are required to adhere to this drug policy. The purpose of this policy is to protect the health and welfare of the student-athletes and to promote a drug free athletic environment. This will be accomplished through education programs, drug testing, and appropriate treatment and response.

ANALYSIS OF WNCC'S DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS

REVIEW OF TRENDS / DATA DURING REVIEW PERIOD

WNCC has not conducted any recent climate / health surveys surrounding drug and alcohol use/abuse. Trend data is based on a review of campus statistical information charting violations of the College's drug and alcohol policies (disciplinary referrals and/or arrests) during the biennium. The clearest trend during this review period involved disciplinary referrals on the Scottsbluff campus for drug / marijuana violations. From 2015 to 2016, there was a marked increase in disciplinary referrals in the residence halls on the Scottsbluff campus for violations of the College's drug policy (from 1 disciplinary referral in 2015 to 21 in 2016). A review of these violations finds that the majority of the disciplinary referrals were for marijuana use; a timeframe that coincided with the passage of neighboring Colorado's recreational marijuana law in 2014 and the increased availability of marijuana that followed its passage as the number of retail marijuana operations grew significantly during this period. At the same time, drug-related disciplinary referrals in the residence halls on the Scottsbluff campus greatly decreased from 2016 to 2017 as the number of referrals fell from 21 in 2016 to 2 in 2017. See, also attached charts for information concerning alcohol and drug charges. This review attributes a large portion of this decrease to the college's ongoing education and intervention efforts that also emphasize that marijuana use remains illegal in Nebraska despite its availability in neighboring Colorado.

The College has placed significant emphasis on prevention and training with regards to alcohol and drug consumption. Students receive information regarding alcohol and drug use in various publications which includes the student code of conduct, the residence hall handbook in addition to references to resources on the WNCC webpage. Additionally, for students in violation of the College alcohol or drug policy will be introduced to Judicial

Educator where the student will have to complete modules focused on alcohol or drug use and abuse.

Through the intentional efforts of the College and its community partners, the number of violations has decreased; additionally, the number of students who was found in violation of the College alcohol and drug policy has also declined.

STRENGTHS & WEAKNESSES

Strengths:

- Small campuses which allow WNCC personnel to intervene quickly if the need arises.
- The WNCC Counseling Center offers individual counseling as well as substance abuse, evaluation, education.
- Creation of an Employee Assistance Program (EAP)
- Development of partnerships with external individuals and organizations which lead to up-to-date information being provided to students and staff concerning the impact of drugs and alcohol.
- Hiring of an Assistant Dean of Students to assist the Dean of Students with student conduct matters including violations related to alcohol and drugs
- Hiring of an Institutional Effectiveness Director to help facilitate the compilation of necessary information and data.
- Number of free educational awareness opportunities made available to campus and external community.
- Membership in local and national organizations to assist the College in its drug and alcohol education and prevention efforts.

Weaknesses:

- No recent climate survey or health assessment of students
- Difficulty scheduling meetings with key stakeholders during the biennial review process

RECOMMENDATIONS FOR NEXT BIENNIUM

- Conduct climate survey and/or health assessment surrounding drug and alcohol use; use information gathered to help build future programming
- Additional educational programming specifically for WNCC student-athletes
- Continue building a culture of awareness and understanding surrounding substance use/abuse and options available both internally and externally for help and support

CONCLUSION

WNCC has endeavored to develop and maintain programs that prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Abuse of alcohol and other drugs increases the risk for behavioral and social problems that can create a negative impact on work and learning environments. The laws of the state of Nebraska and the policies of WNCC prohibit the use, possession, consumption, sale, distribution, and unlawful manufacture of illegal drugs, narcotics or controlled substances. The College has made positive strides in finding ways to work with the Campus Community on healthy avenues for living, including educational programs in the Residence Halls and an Employee Assistance Program for all employees, but the work continues.

As part of the Review process, please examine the following attachments*:

*Please note that WNCC does not have residence halls on the Alliance, NE campus.

ALCOHOL AND DRUG CHARGES SCOTTSBLUFF CAMPUS		
JAN 1- DEC 31, 2016	ALCOHOL CHARGES	DRUG CHARGES
RESPONSIBLE	12	25
NOT RESPONSIBLE	5	6

ALCOHOL AND DRUG CHARGES SCOTTSBLUFF CAMPUS		
JAN 1- DEC 31, 2017	ALCOHOL CHARGES	DRUG CHARGES
RESPONSIBLE	15	3

NOT RESPONSIBLE	4	1
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ALCOHOL AND DRUG CHARGES SCOTTSBLUFF CAMPUS		
JAN 1- DEC 31, 2018	ALCOHOL CHARGES	DRUG CHARGES
RESPONSIBLE	18	5
NOT RESPONSIBLE	0	0

ALCOHOL AND DRUG CHARGES SIDNEY CAMPUS		
JAN 1- DEC 31, 2016	ALCOHOL CHARGES	DRUG CHARGES
RESPONSIBLE	0	0
NOT RESPONSIBLE	0	0

ALCOHOL AND DRUG CHARGES SIDNEY CAMPUS		
JAN 1- DEC 31, 2017	ALCOHOL CHARGES	DRUG CHARGES
RESPONSIBLE	0	0
NOT RESPONSIBLE	0	2

ALCOHOL AND DRUG CHARGES SIDNEY CAMPUS		
JAN 1- DEC 31, 2018	ALCOHOL CHARGES	DRUG CHARGES
RESPONSIBLE	0	0
NOT RESPONSIBLE	6	0