**ESU Resources**

*Available to Students*

- Alcohol and Drug Abuse Prevention (ADAP) 620-341-5222
  250 Southeast Morse Hall
- Counseling Center 620-341-5222
  250 Southeast Morse Hall
- Student Health Services 620-341-5222
  250 Southeast Morse Hall
- ESU Police & Safety 620-341-5337
  Northeast Corner of Welch Stadium
- Student Legal Services 620-341-5481
  Center for Student Involvement, Mainstreet Memorial Union

**Emporia Community Resources**

*Available to Students*

- Emergency 911
- Emporia Police Department 620-342-1766
  518 Mechanic
- Lyon County Sheriff’s Department 620-342-5545
  425 Mechanic
- Mental Health Center of East Central Kansas 620-343-2211
  1000 Lincoln
- Newman Regional Health 620-343-6800
  1201 West 12th Avenue
**The Higher Education Opportunity Act**

The Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008, and reauthorizes the Higher Education Act of 1965, as amended (HEA).

The HEOA makes a number of changes to programs authorized under the HEA, authorizes new programs, and makes changes to other laws. It also imposes new reporting and disclosure obligations on institutions that participate in Title IV federal student financial aid programs. The U.S. Department of Education has published a “Dear Colleague Letter” which provides a summary of each provision of the HEOA.


**Free Application for Federal Student Aid (FAFSA):**

A question on the FAFSA form asks if the student has ever been convicted of a drug-related offense. Failure to answer this question will automatically disqualify the student from receiving Federal aid. Falsely answering this question could result in fines up to $20,000, imprisonment, or both. Additional information regarding completing the FAFSA-drug conviction question can be found at: [http://www.fafsa.ed.gov/fafq003.html#faq003](http://www.fafsa.ed.gov/fafq003.html#faq003)

**Convictions During Enrollment:**

According to the United States Department of Education, if a student is convicted of a drug offense after receiving Federal aid, he or she must notify the Financial Aid Department immediately and that student will be ineligible for further aid and required to pay back all aid received after the conviction. 

**How to Regain Eligibility:**

A student can regain eligibility for federal student aid funds by successfully completing a drug rehabilitation program. To be sufficient to reinstate financial aid eligibility, the program must:

- include at least 2 unannounced drug tests and be recognized as a Federal, State, or local government agency program.

*A student will regain eligibility on the date of successfully completing the program.

**Policies and Procedures**

ESU follows all Kansas, federal, and local laws regarding the service and consumption of alcohol. Event sponsors as well as the individual consumers are to adhere to the law. Sponsors, and not ESU, will be responsible for determining and fulfilling all federal, state, and local requirements for their event. The University police enforce laws regulating underage drinking and the use or possession of controlled substances and weapons in violation of local, state, and federal law.

Students who are 21 years of age or older are allowed to possess and consume beverages of 3.2 percent alcohol or less in designated areas of the residence halls. Alcohol is prohibited in all other areas and on the grounds of Emporia State University. Exceptions may be granted for special events as approved by the office of the university president. A complete description of alcohol and other drug programs for our campus appears in the Alcohol Drug Abuse Prevention publication and is available at the Department of Student Wellness - Counseling Center, 250 Southeast Morse Hall.

**Kansas Law and City Ordinance for Alcohol**

In addition to Emporia State University policies on alcoholic liquor, state laws and city ordinances provide criminal penalties for specific violations occurring on campus. It is illegal for anyone of any age to consume alcoholic liquor on state or Emporia State University property, except where specific exemptions are provided by law.

**Minimum Penalty:** 6 months in jail; $200 fine

It is illegal for anyone under 21 years of age to possess, purchase, attempt to purchase or consume cereal malt beverage or alcoholic liquor except where specific exemptions are provided by law.

**Minimum Penalty:** 1 month in jail; $200 minimum fine

(18-21 years of age): $500 fine (under 18 yrs of age); perform 40 hours of public service; completion of an alcohol/chemical substance education program; up to 1 year suspension of driving privileges. If convicted, you are subject to the following penalties:

**Health Risks**

Alcoholism is the number one drug problem in the United States and affects personal lives by creating conflicts with employment, finances, health, social relationships, and families. College campuses are not exempt. Accidents and injuries are more likely to occur on University property or at University activities when alcohol or other drugs are used. The abuse of alcohol and other drugs may lead to serious consequences. These may include the loss of resistance to disease, the development of drug tolerance and psychological dependence after sustained use, and criminal prosecution stemming from injuries inflicted on others due to driving under the influence. Every year thousands of people die in alcohol related motor vehicle accidents. Impaired drivers are responsible for almost half of all traffic fatalities.

**Drug/Substance Abuse Federal Law**

The Federal Controlled Substances Act provides penalties for the following:

- 1) intentional unlawful distribution or possession with intent to distribute controlled substances. Maximum Penalty: Life imprisonment; $4,000,000 fine (first conviction). With a prior conviction for this offense: fine amount is $8,000,000. 2) Unlawful possession of a controlled substance. Maximum Penalty: 20 years imprisonment; no maximum fine exists. 3) Unlawful distribution of a controlled substance, manufacturing, or employing or persuading a person under 18 to unlawfully distribute a controlled substance on or within 1,000 feet of a school or university. Maximum Penalty: Up to three times the term of imprisonment and fine otherwise authorized by law.

**Driving Under the Influence Kansas Law**

In Kansas it is illegal for anyone to operate a vehicle under the influence of alcohol, drugs or both alcohol and drugs, with a breath or blood alcohol content of .08 or more. For anyone under 21, it is illegal to do so with a breath or blood alcohol content of .02 or greater. If convicted, you are subject to the following penalties:

**FIRST CONVICTION (Misdemeanor)**

Maximum Penalty: 6 months in jail (48 hours mandatory) or 100 hours of public service; $1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days (then restricted for 330 days); impoundment of vehicle for up to one year, with costs; if alcohol concentration is .15 or greater, license suspended for one year; for person under 21, with alcohol concentration of .08 or greater, license suspended for one year.

**SECOND CONVICTION (Misdemeanor)**

Maximum Penalty: 1 year in jail (5 days mandatory); $1,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (2 years, if alcohol concentration is .15 or greater), imprisonment of vehicle for up to one year, with costs.

**THIRD CONVICTION/FELONY**

Maximum Penalty: 1 year in jail (30 days mandatory); $2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (3 years, if alcohol concentration is .15 or greater), imprisonment of vehicle for up to one year, with costs.

**FOURTH & SUBSEQUENT CONVICTIONS/FELONY**

Maximum Penalty: 1 year in jail (90 days mandatory); $2,500 fine; participation in alcohol abuse program; required mental health counseling; 1 year post-release supervision; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (4 years, if alcohol concentration is .15 or greater); revocation for one year of the license plate or temporary registration certificate of the motor vehicle driven during the violation; impoundment of vehicle for up to one year, with costs; (see 5th conviction driver's license is permanently revoked).

**REFUSAL TO SUBMIT TO ALCOHOL OR DRUG TESTING**

**Penalty:**

1st time - suspended driver's license for 1 year.
2nd time - suspended driver's license for 2 years.
3rd time - suspended driver's license for 3 years.
4th time - suspended driver's license for 10 years.
5th time - driver's license is permanently revoked.

**In addition, at the end of suspension, driving is restricted by ignition interlock device for one year.**

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**Minimum Penalty:** 1 month in jail; $200 minimum fine

(18-21 years of age): $500 fine (under 18 yrs of age); perform 40 hours of public service; attend an alcohol education program and up to 1 year suspension of driving privileges. It is illegal for anyone to furnish cereal malt beverage or alcoholic liquor to another person under 21 yrs of age.

**Minimum Penalty:** $200 fine

It is illegal for anyone of any age to possess an open container of, and/or consume cereal malt beverage or alcoholic liquor in Emporia, except those areas specifically licensed for sale or specifically exempted by state law.

**Maximum Penalty:**

30 days in jail; $500 fine; perform 40 hours of public service; completion of an alcohol/chemical substance education program; up to 1 year suspension of driving privileges.