Intoxication and Incapacitation

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Language from the Interim Title IX Sexual Harassment Policy

When a person is incapacitated, meaning so impaired as to be incapable of giving consent, conduct of a sexual nature is deemed unwelcome,

• provided that Respondent knew or reasonably should have known of the person’s incapacity.

• The person may be incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness.

• Respondent’s impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish their responsibility for sexual harassment under this Policy.
FAQs Regarding Incapacitation and Use of Drugs or Alcohol

• Is intoxication the same as incapacitation? No.

• Can a person request or invite sexual activity even after use of drugs or alcohol? Yes, unless they are incapacitated.

• How does someone know if a person is incapacitated? It varies widely.
  
  o Non-exhaustive list of signs that may indicate incapacity:
    ▪ stumbling or difficulty maintaining balance, vomiting, inability to focus eyes, disorientation, unresponsiveness, inability to communicate coherently, and unconsciousness
Definition of One Drink

- **12 oz Beer**
  - at 5% alcohol

- **5 oz Glass of Wine**
  - at 12% alcohol

- **1.5 oz Shot of Hard Liquor**
  - at 40% alcohol or 80 proof

SOURCE: www.cdc.gov/alcohol/faqs.htm
Individual Reactions to Alcohol Vary

- Age
- Gender
- Race or ethnicity
- Physical condition
- Amount of food consumed before drinking
- How quickly the alcohol was consumed
- Use of drugs or prescription medicines
- Family history of alcohol problems
- Prior consumption patterns (tolerance)
- As BAC increases, so does impairment

As BAC Increases, So Does Impairment

- Life Threatening
  - Loss of consciousness
  - Danger of life-threatening alcohol poisoning
  - Significant risk of death in most drinkers due to suppression of vital life functions

- Increased Impairment
  - Perceived beneficial effects of alcohol, such as relaxation, give way to increasing intoxication
  - Increased risk of aggression in some people
  - Speech, memory, attention, coordination, balance further impaired
  - Significant impairments in all driving skills
  - Increased risk of injury to self and others
  - Moderate memory impairments

- Severe Impairment
  - Speech, memory, coordination, attention, reaction time, balance significantly impaired
  - All driving-related skills dangerously impaired
  - Judgment and decisionmaking dangerously impaired
  - Vomiting and other signs of alcohol poisoning common
  - Loss of consciousness

- Mild Impairment
  - Mild speech, memory, attention, coordination, balance impairments
  - Perceived beneficial effects, such as relaxation
  - Sleepiness can begin

Blood Alcohol Content (BAC)

- 0.00-0.05%
- 0.06-0.15%
- 0.16-0.30%
- 0.31-0.45%

As BAC increases, so does impairment.
Risk Factors for Binge Drinking & Alcoholism

• Consuming alcohol before age 15
• Family History
• Blackouts
• Pre-gaming
• Other Psychiatric Disorders

SOURCE: pubs.niaaa.nih.gov/publications/aa37.htm
Mixing Alcohol and Drugs

- Antibiotics + Alcohol = can exacerbate drug side effects, reduce energy
- Narcotic Pain Medication + Alcohol = enhances sedative effect of both substances, increases risk of overdose
- Non-Narcotic Pain Medication + Alcohol = can heighten the effects of alcohol
- Antidepressants + Alcohol = can worsen depression symptoms, feel more intoxicated, impair judgment and coordination, exacerbate drug side effects
- Marijuana + Alcohol = can heighten the effects of alcohol or marijuana or both
- Marijuana + Antidepressants = can exacerbate drug side effects, cognitive problems, can heighten the effects of marijuana

SOURCE: alcoholism.about.com/cs/alerts/l/blnaa27.htm
Short-Term Effects of Commonly Abused Drugs

- Cocaine – stimulant; energy, alertness, restlessness, anxiety, violent behavior
- GHB – euphoria, drowsiness, decreased anxiety, confusion, memory loss, hallucinations, excited and aggressive behavior
- Hallucinogens (e.g., ketamine, LSD, PCP) – problems with attention, learning and memory; hallucinations; sedation; confusion and problems speaking (including immobility); rapid emotional swings
- Opiates (e.g., heroin) – depressant; euphoria, heavy feeling, clouded thinking, alternate wakeful and drowsy states
- Marijuana – depressant; enhanced sensory perception and euphoria followed by drowsiness/relaxation, slowed reaction time, problems with balance and coordination
- MDMA (Ecstasy/Molly) – stimulant and hallucinogen; lowered inhibition, enhanced sensory perception, confusion, depression, sleep problems, anxiety, blurred vision
- Methamphetamine – increased wakefulness and physical activity

SOURCE: www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts
Concerns About Underage Drinking

“The University encourages the reporting of all concerns regarding sexual harassment. Sometimes individuals are hesitant to report instances of sexual harassment because they fear they may be charged with other policy violations, such as underage alcohol consumption. Because the University has a paramount interest in protecting the well-being of its community and remediying sexual harassment, other policy violations will be considered, if necessary, separately from allegations under this Policy.”