Compliance Manual

Drug-Free Schools and Communities Act and Drug-Free Workplace Act

The Drug-Free Schools and Communities Act Amendment of 1989 (U.S. Public Law 101-226) and the Drug-Free Workplace Act require annual distribution of certain information to all students and employees. This booklet is being provided in compliance with these requirements. This booklet includes the following:

- 1. campus standards prohibiting unlawful possession, use, or distribution of illicit drugs and alcohol;
- 2. description of laws pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol;
- 3. description of health risks associated with the use of illicit drugs and abuse of alcohol;
- 4. description of drug and alcohol treatment and rehabilitation programs;
- 5. description of sanctions; and
- 6. a policy statement concerning the disciplining of employees who violate laws and policies concerning illicit drugs and alcohol.

Direct inquiries to the office of Health Promotions & Programs at the Keeling Health Center, 814-393-1949.

State System of Higher Education Drug-Free Workplace Policy Statement

As required by the federal "Drug-Free Workplace Act of 1988," the State System of Higher Education, Commonwealth of Pennsylvania, hereby declares as its policy that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited at any workplace under the authority of the Board of Governors. Any employee violating the policy will be referred to the commonwealth's employee assistance program and/or disciplined, in an appropriate manner, up to and including termination. Discipline, when appropriate, shall be taken under relevant provisions of collective bargaining agreements, Civil Service Policy, or other Personnel Policies adopted by the Board of Governors.

NOTE: The above policy was adopted by the Board of Governors of the State System of Higher Education on April 20, 1989. Clarion University of PA is a member of the State System.

Disciplinary Sanction

Students violating any of the above unlawful acts are subject to disciplinary actions, up to and including expulsion. Discipline procedures are explained in the *Student Rights, Regulations and Procedures Online* handbook. Since Clarion University is a member of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse, the minimum sanction for illegal sale and distribution of drugs would include separation from the institution and referral or prosecution.

Employees and students may also be subject to arrest for violation of federal, state, and local drug and alcohol laws and ordinances.

Employer Notification

The Drug-Free Workplace Act requires the employee to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

Clarion University Alcohol Policy

Two basic factors dictate Clarion University's policy on alcohol:

- 1. Studies indicate that a majority of the misconduct incidents involving students are related to alcohol consumption.
- 2. Clarion University is a state agency, and as such it cannot authorize, condone, sanction, or otherwise support activities in which state law is violated. The consumption of alcoholic beverages by those under 21 years of age is such a violation.

Because of these factors, the university has adopted regulations under which the following acts constitute student misconduct:

- 1. the possession or consumption of alcoholic beverages in or around university and university-supervised facilities and property;
- 2. the possession or use by, and sale or furnishing of, alcoholic beverages to those under 21 years of age; and
- 3. the serving of alcoholic beverages to a student which contributes to subsequent misconduct by that student.

In addition to its regulations, the university attempts to provide a program of alcohol awareness, education, treatment, counseling, and information to help students understand the university's alcohol policy and its implementation.

Alcohol On Campus

With the exception of special university events in designated locations with presidential approval, the consumption, possession, or transport of alcohol is prohibited on campus. Student possession or consumption of alcoholic beverages in or around university supervised facilities and property is considered an act of misconduct without exception. This prohibition is not a matter of law, but university policy. Simply put, the university's position is that the interests of both the students and the university are best served by an alcohol-free campus. Therefore, students who bring or consume alcoholic beverages on campus will be penalized. Students under 21 years of age who become involved with campus Public Safety will also be subject to citation for underage possession and/or consumption.

Alcohol Off-Campus

In Kusnir v. Leach, 1982, the Commonwealth Court of Pennsylvania affirmed that the university could exercise disciplinary jurisdiction over off-campus conduct. With regard to university alcohol regulations, misconduct off campus can be grounds for disciplinary action.

Both experience and common sense indicate the potential for problems related to our two basic alcohol concerns, illegal activity and misconduct, is greatest as a result of "open" type parties.

Many who attend such parties have no acquaintance or association with the party organizers, whose primary motive is to make money. Typically, alcoholic beverage consumption is the primary focus of the activity, but there is little or no mutual sense of responsibility between party attenders and organizers. Thus, the party participants have little concern if unfortunate events occur during or following a party. While there is always the possibility that underage consumption of alcoholic beverages will get the consumer and/or furnisher into difficulty, it should be obvious that neither university nor law enforcement officials have the resources or inclination to monitor all the off-campus activities of university students. It should be equally obvious, however, that the likelihood of reaction by authorities is much greater in situations where alcoholic beverages are present when the situation involves public disturbance, fighting, indecent acts, or the like. Again, such incidents tend to be associated with "open" type parties. Because "open" type parties have such problematic potential, disciplinary violations associated with such activity are considered serious misconduct acts.

In Fassett v. Delta Kappa Epsilon, 1986, The U.S. Court of Appeals, Third Circuit, affirmed the criminal culpability of those who furnish alcoholic beverages to minors. The court reasoned that it is a violation of the criminal code for minors to consume alcoholic beverages, and under Pennsylvania law those who furnish alcoholic beverages to a minor were accomplices to the minor in violating the code. The court held, further, that this standard could be applied to civil actions as well.

In defining "furnishing," the court rejected the notion that only the actual server was culpable. An accomplice, said the court, was one whose actions promoted or aided a minor's consumption.

It specifically held that:

- 1. allowing a party to take place on one's premises with the knowledge that minors will be served alcoholic beverages constitutes being an accomplice, and
- 2. participating in the planning of a party or in the buying of alcoholic beverages to be served at a party with the knowledge that minors will be served constitutes being an accomplice.

In exercising its disciplinary authority in alcohol violations off campus, the university applies these findings.

Alcohol and Other Drug Violations and Penalties (State and Local)

The following is a listing of the most common alcohol and other drug violations, and their penalties, committed under federal and state law. For a more complete description of the offenses, consult the appropriate federal and state criminal and vehicle codes.

Alcohol Offenses

Misrepresentation of age to secure liquor or malt or brewed beverages.

Penalty: first offense–summary violation, up to \$300 fine and 30 days in jail; second offense–misdemeanor, up to \$4,500 fine and jail. Operator's license will be suspended.*

Purchase, consumption, possession, or transportation of liquor or malt or brewed beverages.

Penalty: first offense-up to \$300 fine and 30 days in jail; second offense-up to \$500 fine and jail. Operator's license will be suspended.*

Representing that minor is of age.

Penalty: misdemeanor, fine of not less than \$300.

Inducement of minors to buy liquor or malt or brewed beverages.

Penalty: misdemeanor, fine of not less than \$300.

Selling or furnishing liquor or malt or brewed beverages to minors.

Penalty: misdemeanor, fine of not less than \$1,000 for the first violation and \$2,500 for each subsequent violation.

*Operator's License Suspensions:

First offense–90 days
Second offense–1 year
Third offense–2 years
Subsequent offenses–2 years

Manufacture or sale of false identification card.

Penalty: misdemeanor, fine of not less than \$1,000 for first violation and not less than \$2,500 for each subsequent violation.

Carrying a false identification card.

Penalty: summary offenses first violation, fine up to \$300 and up to 30 days in jail; misdemeanor for subsequent violations, fine up to \$500 and jail. Operator's license will be suspended.*

Restrictions on alcoholic beverages.

The driver of any vehicle may not consume any alcoholic beverage or illegal drug. *Penalty*: summary, fine up to \$300 and up to 30 days in jail.

Driving under influence of alcohol or controlled substance.

Penalty: misdemeanor, fine of not less than \$300, jail for not less than 48 hours; not less than 30 days in jail for second violation; not less than 90 days in jail for third violation; not less than one year for fourth offense.

Homicide by vehicle while driving under influence.

Penalty: Felony, not less than three years imprisonment, fine, revocation of operating privileges.

Other violations include bringing alcoholic beverages into the state without paying Pennsylvania taxes and selling or offering for sale alcoholic beverages without a liquor license. Violations of these laws can result in fines, imprisonment, and confiscation of vehicles.

Under legislation enacted by the Pennsylvania General Assembly, the following is now law:

Any individual under 21 years of age convicted of attempting to purchase, purchasing, consuming, possessing, or transporting alcoholic beverages, or possessing an identification card falsely identifying the individual as 21 years of age, shall be subject to a fine up to \$300, plus court costs, and 90 days suspension of driver's license. Subsequent violations may result in fines of \$500 and suspension of driver's license for two years.

Illicit Drugs

Possession of controlled or counterfeit substance.

Penalty: misdemeanor, up to one year in jail, fine of up to \$5,000.

Purchase of controlled substance.

Penalty: misdemeanor, up to three years imprisonment and a fine of up to \$5,000.

Manufacture, delivery, or possession by an unauthorized person.

Penalty: narcotic drugs-felony, up to 15 years imprisonment and fine of up to \$250,000.

- *Methamphetamine-cocoa leaves, marijuana (in excess of 1,000 pounds)-felony, imprisonment up to 10 years and a fine of up to \$100,000.
- *Opiates-hallucinogenic substances, marijuana-felony, up to five years imprisonment and a fine of up to \$15,000.
- *Barbiturates-felony, up to three years imprisonment and a fine of up to \$10,000.
- *Codeine, morphine, atropine—misdemeanor, up to one year imprisonment and a fine up to \$5,000.

Possession of a small amount of marijuana for personal use

(30 grams of marijuana or 8 grams of hashish).

Penalty: Misdemeanor, up to 30 days imprisonment and a fine of up to \$500.

Use or delivery of drug paraphernalia.

Penalty: misdemeanor, up to one year imprisonment and a fine of up to \$2,500.

Possession or distribution of "look alike drugs" having a depressing or stimulating effect.

Penalty: felony, up to five years imprisonment and a fine of up to \$10,000.

Manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance that is altered or misbranded.

Penalty: misdemeanor, up to one year imprisonment and a fine of up to \$5,000.

Trafficking drugs to minors.

Penalty: at least one year confinement, two years imprisonment if within 1,000 feet of a school, college, or university.

Controlled Substances-Uses and Effects

Dependence

High

High

Yes

Yes

3-6

3-6

High

High

Oral, injected

Oral, injected

Medical

Drugs/

Hydromorphone

Meperidine (Pethidine) II

Trade or

Diliaudid

Tahwin

Demerol, Mepergan

CSA Schedules other names USPS Physical Psychological NARCOTICS II, III, V Dover's Powder, Paregoric Opium Analgesic, antidiarrheal High High Yes Oral, smoked 3-6 Morphine II, III Morphine, MS-Contin. Analgesic, antitussive High High 3-6 Oral, smoked Yes Roxanol, Roxanol-SR injected Tylenol w/Codeine, Empirin Robitiussan A-C, Fiorinal Codeine II, III, V Moderate Moderate Yes Analgesic, antitussive Oral, injected w/Codeine Heroin High Diacetylmorphine, None High Yes 3-6 Injected, sniffed, Horse, Smack smoked

Methadone II Dolophine, Methadone, Analgesic High High-low Oral, injected Yes 3.6 Methadose Other narcotics I, II, III, Numorphan, Percodan, Analgesic, antidiarrheal, High-low High-low Yes 3-6 Oral, injected Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil,

Analgesic

Analgesic

Possible effects: Euphoria, drowsiness, respiratory depression, constricted pupils, nausea Effects of overdose: Slow and shallow breathing, clammy skin, convulsions, coma, possible death. Withdrawal syndrome: Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

DEPRESSANTS Chloral Hydrate IV Nocted Hypnotic Moderate Moderate Yes 5-8 Barbiturates II, III, IV Amytal, Butisol, Fiorinal, Anesthetic, Anticonvulsant, High-Mod High-Mod Yes 1-16 Oral Lotusale, Nembutal, Seconal, sedative, hypnotic, Tuinal, Phenobarbital veterinary euthanasia agent Benzodiazepines IV Alivan, Dalmane, Diazepam, Antianxiety, anticonvulsant, Low Low Yes 4-8 Oral Librium, Xanax, Serax, Valium Sedative, hypnotic Versed, Halcion, Paxipam, Restoril Methaqualone I Quaalude Sedative, hypnotic High High Yes 4-8 Oral Gluethimide III Doriden Sedative, hypnotic Moderate High Yes 4-8 Oral Other Depressants III, IV Equanii, Militown, Noludar, Antianxiety, sedative, Moderate Moderate Yes 4-8 Oral Placidyl, Vlamid hypnotic

Possible effects: Slurred speech, disorientation, drunken behavior, behavior without odor of alcohol. Effects of overdose: Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death. Withdrawal syndrome: Anxiety, insomnia, tremors, delirium, convulsions, possible death.

CSA Schedules	Trade or other names	Medical uses		pendence ysical Psy	cholog	gical	
STIMULANTS	经收益的 化甲基苯酚	trok jesteka lingua rik	Part Control		1. 18 V	· 1 / 2 :	ser compression
Cocaine II	Coke, Flake, Snow, Crack	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked injected
Amphetamines II	Biphetamine, Delcobese, Desoxyn, Dexedrine, Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected
Phenmetrazine II	Preludin	Weight control	Possible	High	Yes	2.4	Oral, injected
Methylphenidate II	Ritalin	Attention deficit disorders, narcolepsy, weight control	Possible	Moderate	Yes	2.4	Oral, injected
Other Stimulants III, IV	Adipex, Cylert, Didrex, Ionamin, Melfiat, Plegine, Sanorex, Tenuate, Teparil, Prelu-2	Weight control	Possible	High	Yes	2.4	Oral, injected

Possible effects: Increased alertness, excitation, increased pulse rate & blood pressure, insomnia, loss of appetite. Effects of overdose: Agitation, increases in body temperature, hallucinations, convulsions, possible death. Withdrawal syndrome: Apathy, long periods of sleep, irritability, depression, disorientation.

HALLUCINOGENS	1. 可要性,1. 10. 10. 10. 10. 10. 10. 10. 10. 10. 1	ar karatan	Chronia dalla	egy, and the e	N. 18 24 1 3	714 X 4 7 2 4	SPECIAL PROPERTY.
LSDI	Acid, Microdot	None	None	Unknown	Yes	8-12	Oral
Mescaline & Peyote I	Mexc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral
Amphetamine Variants I	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Variable	Oral, injected
Phencyclidine II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Oral, smoked, injected
Phencyclidine Analogues	PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Oral, smoked, injected
Other Hallucinogens I	Bufotenine, Ibogaine, DMT, Psilocybin, Psilocyn	None	None	Unknown	Possible	Varible	Oral, smoked, injected

Possible effects: Illusions and hallucinations, poor perception of time and distance. Effects of overdose: Longer, more intense "trip" episodes, psychosis, possible death. Withdrawal syndrome: Withdrawal syndrome not reported.

CSA Schedules	other names	uses		Physical		ologica	al
CANNABIS	ng at the Park Commence of the	CHOICECHALL VAN	ent of Calabay	***	. P	urity to	Just like the 198 it
Marijuana I	Pot, Acapulco, Gold, Grass	None	Unknown	Moderate	Yes	2-4	Smoked, oral
Tetrahydrocannabinol III	THC, Marinol	Cancer chemotherapy antinauseant	Unknown	Moderate	Yes	2-4	Smoked, oral
Hashish I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral
Hashish Oil I	Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral

Dependence

Medical

Possible effects: Euphoria, relaxed inhibitions, increased appetite, disoriented behavior.

Effects of overdose: Fatigue, paranoia, possible psychosis.

Trade or

Withdrawal syndrome: Insomnia, hyperactivity, and decreased appetite occasionally reported.

Alcohol Effects

Drugs

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and deaths, if combined with other depressants of the central nervous system, much lower doses of alcohol will product the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

^{*}Designated a narcotic under the CSA. ** Not designated a narcotic under the CSA

Federal Trafficking Penalties

The Controlled Substance Act provides for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are basically determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana. As the statute has been amended since its initial passage in 1970, the penalties have been altered by Congress. The following charts are an overview of the penalties for trafficking or unlawful distribution of controlled substances. This is not inclusive of the penalties provided under the CSA.

CSA	1st offense	Penalty 2nd	Offense	Quantity	Drug	Qua	antity	1st Offense	enalty*	
1	Not less than 5 years. Not more than 40 years	Not less th	an 10 d	5-99 gm pure or 50-499 gm mixture	METHAMPHETAMINE	50 gm or pure or 5 or more	500 gm ➤	Not less than 10 years. Not more than life.	Not less than 20 years. Not more than life.	
	30	No.		100-999 gm mixture	HEROIN	1 kg or r mixture	nore >	er rekum	salida 1.11	
	If death or			500-4,999 gm mixture	COCAINE	5 kg or more mixture		If death or	If death or	
nd	serious injury, not less than 20 years. Not more than life.			5-49 gm mixture	COCAINE BASE	50 gm o mixture	r more	serious injury, not less than 20 years. Not more	serious injury, not less than life.	
	than life.	m etalia International International International	<	10-99 gm or 100-999 gm mixture	PCP	100 gm more pu 1 kg or r mixture	re or	than life.	S grant?	
	Fine of not more than \$2 million individual; \$5	Fine of no than \$4 m individual;	llion	1-9 gm mixture	LSD	10 gm o mixture	r more	Fine of not more	Fine of not more	
II individual; \$5 million other than individual.	million oth	er	40-399 gm mixture	FENTANYL .	400 gm more mi		than \$4 million individual; \$10 million other	than \$8 million individual; \$20 million other		
	longator -		10-99 gm mixture	FENTANYL ANALOGUE	100 gm or than individual.		than individual.			
	. 384	San Torman	. *	Two or mo	re prior offenses: Life	e impris	onment	LONG TO THE STATE OF THE		
	Drug Quantity		200 a8	First Offense			Second Offense			
I/II	Others ² Flunitrazepam (schedule IV)	Any 1 gm or more	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1million individual; \$5 million not individual.				Not more than 30 years If death or serious injury, life. Fine \$2 million individual; \$10 million not individual.			
III	All	Any	Not more than 5 years. Fine not more than \$250,000 individual; \$1 million not individual.				Not more than 10 years. Fine not more than \$500,000 individual, \$2 million not individual.			
IV	All Flunitrazepam (schedule IV)	Any Less than 30 mg	Not more than 3 years. Fine not more than \$250,000 individual; \$1 million not individual.			- salakar	Not more than 6 years. Fine not more than \$500,000 individual, \$2 million not individual			
V	All	Any	Not more than 1 year Fine not more than \$100,000 individual; \$250,000 not individual.			ayî delî Bi herdûyê Seriyarî	Fine r	ore than 2 years. not more than \$200,000,000 not individua		

Law as originally enacted states 100 gm. Congress requested to make technical correction to 1 kg.

² Schedule I & II and any drug product containing Gamma Hydroxybutyric Acid Does not include marijuana, hashish, or hash oil. (See separate chart.)

Quantity	Description	First Offense	Second Offense
1,000 kg or more, or 1,000 or more plants	Marijuana Mixture containing detectable quantity	Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$4 million individual; \$10 million other than individual.	Not less than 20 years, not more than life If death or serious injury, mandatory life. Fine not more than \$8 million individual, \$20 million other than individual
100 kg to 999 kg; or 100-999 plants	Marijuana Mixture containing detectable quantity*	Not less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$2 million individual; \$5 million other than individual	Not less than 10 years, not more than lif If death or serious injury, mandatory life. Fine not more than \$4 million individual, \$10 million other than individual.
50 to 99 kg	Marijuana	Not more than 20 years.	Not more than 30 years. If death or serious injury,mandatory life.
More than 10 kg	Hashish	If death or serious injury, not less than 20 years, not more than life.	Fine \$2 million individual; \$10 million other than individual.
More than 1 kg	Hashish Oil	Fine \$1 million individual; \$5 million other than individual	Other trial management
50-99 plants	Marijuana		22 gr
Less than 50 kg 1-49 plants	Marijuana	Not more than 5 years. Fine not more than \$250,000 individual; \$1 million other than individual	Not more than 10 years. Fine \$500,000 individual; \$2 million oth individual.
Less than 10 kg	Hashish		-
Less than 1 kg	Hashish Oil	1	

^{*}Includes Hashish and Hashish Oil

(Marijuana is a Schedule I Controlled Substance)

Services Provided

Clarion University provides alcohol and other drug prevention and intervention services to its students and employees through the Office of Health Promotions and Programs located in the Keeling Health Center. Some of the services provided include alcohol education/intervention classes. The Office of Health Promotions and Programs supports a Clarion University-Clarion Community Coalition on the prevention of alcohol abuse and violence task force. The staff offers presentations to university groups, classes, treatment referral services, student field experiences, and literature distribution. Students and employees are welcome to visit the offices in Keeling Health Center or call 814-393-1949.

Employees of the state and their immediate families are also provided services by the State Employee Assistance Program (SEAP). This service is voluntary and confidential. The SEAP was established to help employees cope with personal problems which affect their lives at home or on the job. SEAP helps the employee focus on the primary problem and determine the kind of professional assistance needed. Services focus on the following areas: alcohol and drug abuse, emotional problems, family/marital, legal, and financial. SEAP will assess your needs and provide a referral to an appropriate community service. SEAP offices may be contacted by calling 800-692-7459. Supervisors are encouraged to make employees aware of SEAP as an aid in the early intervention and treatment of employee problems which affect job performance.

Assistance is also available from Clarion County Counseling Center Inc., 214 South Seventh Ave., Clarion, PA, 16214, telephone 814-226-6252. The Clarion University Counseling Center is available to students. It is located in 148 Egbert Hall, telephone 814-393-2255.