



Pennsylvania Western University - California

PENNWEST CALIFORNIA ANNUAL POLICY NOTIFICATION/DISTRIBUTION

Drug-Free Schools and Campuses Regulations

[Edgar Part 86]

Pennsylvania State System of Higher Education

Alcohol and Other Drug Prevention

As a requirement of these regulations, PENNWEST CALIFORNIA is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis. This process is formally conducted by **annually prohibiting access to the PennWest California by University employees and students until they acknowledge they have read and accept this notice.** This will occur annually at the beginning of fall and spring sessions as well as January and July for employees. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to the **Associate Director for Wellness, Rachel Michaels** (studentwellness-cal@pennwest.edu)

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. PennWest California is a member of the State System.

- i. To comply with the Drug Free Schools and Communities Act of 1989 (DFSCA) and subsequent amendments, students and employees of PennWest California are informed that strictly enforced policies are in place which prohibit the possession, use or distribution of any illicit drugs, including alcohol, on PennWest California property or as part of any PennWest California-sponsored activity unless event-specific permission is given for of-age students to consume alcohol moderately. Students and employees are also subject to all applicable legal sanctions under local, state and federal law for any offenses involving illicit drugs on PennWest California property or at PennWest California-sponsored events.
- ii. PennWest California affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol use by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased risk of accidents, which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug use issues is available to students and employees through PennWest California Counseling Services, Health Services, and the employee assistance program. Other resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all of which might include a fee.
- iii. Students exhibiting signs of excessive alcohol consumption will be transported via Emergency Medical Services (EMS) at the student’s expense for medical attention. Refusal to cooperate with EMS personnel may result in arrest in order to ensure the student’s health and safety and/or a conduct complaint for disorderly conduct and/or failure to comply.

*Please note that this **does not** contain complete recitations of applicable laws and therefore should be used for general reference only.

This document provides information concerning:

- The Commonwealth of Pennsylvania’s **SUBSTANCE ABUSE POLICY**.
- Applicable legal **sanctions** under federal, state, or local law for the unlawful possession or distribution of illicit drugs and alcohol, including a clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with federal, state, or local law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.
- The **health risks** associated with the use of illicit drugs and the abuse of alcohol. Alcohol or other drug counseling, treatment, rehabilitation, and re-entry **TREATMENT RESOURCES** available to employees or students.

Professionals are prepared to provide further information or assistance. Please contact your Human Resources Office for assistance.

California: 724-938-4427, Room 408, Dixon Hall
Clarion: 814-393-2492, Room 204, Carlson Library
Edinboro: 814-732-1378, 2nd Floor, Reeder Hall

Help is available for faculty and staff members who are interested. Employees can contact the State Employee Assistance Program (SEAP) (800) 692-7459 for information about counseling, treatment, rehabilitation, or reentry programs.

SEAP is a free assessment and referral service for State System employees and their family members; this includes everyone who lives in your house, as well as your parents, adult children, and siblings regardless of where they live.

Services are available 24/7 by calling 1-800-692-7459. The services provided by SEAP are strictly confidential - your employer will not be notified unless you give written consent.

TABLE OF CONTENTS:

- I. DRUG-FREE WORKPLACE ACT OF 1988**
- II. GENERAL REQUIREMENTS OF THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT: AMENDMENTS OF 1989**
- III. DRUG INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996**
- IV. HEALTH RISKS ASSOCIATED WITH THE USE AND USE OF ALCOHOL AND ILLICIT DRUGS**
- V. UNIVERSITY POTENTIAL SANCTIONS AND UNIVERSITY CODE OF CONDUCT**
- VI. FEDERAL AND STATE LEGAL SANCTIONS CONCERNING DRUGS AND ALCOHOL**

I. Drug-Free Workplace Act of 1988

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.

Purpose: To comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. §8101, et seq.; 22 C.F.R. Part 513; 48 C.F.R. Part 23.504; 48 C.F.R. Part 52.223-6; and other portions of the Code of Federal Regulations applicable to federal contractors).

Coverage: All PennWest California employees, including faculty, classified and non-classified staff, administrators, full-time and part-time students and student employees.

Prohibitions: (a) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace; (b) Reporting for work under the influence of a controlled substance is prohibited.

II. General Requirements of the Drug-Free Schools and Communities Act: Amendments of 1989

Purpose: To comply with the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. §1011i; 34 C.F.R. Part 86).

Coverage: All PennWest California employees, including faculty, classified and non-classified staff, administrators, full-time and part-time students and student employees.

Prohibitions: Employees and students in violation of PennWest California standards concerning drugs and alcohol.

The Drug-Free Schools and Communities Act Amendments of 1989 require an institution of higher education, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

III. Drug-Induced Rape Prevention and Punishment Act of 1996

Purpose: To comply with the Drug-Induced Rape Prevention and Punishment Act of 1996 (21 U.S.C. §841(b) (7) (A-B); see also 21 U.S.C. §801).

Coverage: All PennWest California employees, including faculty, classified and non-classified staff, administrators, full-time and part-time students and student employees.

Prohibitions: It is unlawful to distribute a controlled substance to an individual without that individual's knowledge with intent to commit a crime of violence, including rape. "Without that individual's knowledge" means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.

IV. Health Risks Associated with the Use of Alcohol and Illicit Drugs

Substance use and drug dependency are problems of staggering proportions in our society today. They are the leading causes of preventable illness, disability, and death in the United States. Alcohol/chemical dependency is a disease that affects not only individuals, but every component of the family system, workplace, and the

community. Chemical use not only includes alcohol and illegal drugs, but also prescription drugs such as tranquilizers, pain killers, sleeping pills, etc.

A. Alcohol/Drug Use

Alcoholism and other drug dependencies are diseases with identifiable symptoms. These symptoms include changes in alcohol/drug tolerance, blackouts (permanent, chemically induced memory loss), denial (refusal to admit that chemical use is a problem), mood swings, behavior changes, and loss of control (inability to stop and/or limit chemical consumption). The disease injures the person economically, socially, physically, psychologically, and spiritually; relationships break down, work performance is impaired, depression often occurs, and behavior often goes against values. Persons who suffer from chemical dependency are victims of a progressive, fatal disease. Alcoholism/addiction affects people of all ages, economic levels, and races.

Alcoholism is a disorder that has profound psychological and biological patterns: (1) regular daily intoxication, (2) drinking large amounts of alcohol at specific times, and (3) periods of sobriety interspersed with periods of heavy daily drinking. The course of the disorder is usually progressive and physical dependence can develop. If this happens, serious symptoms, sometimes life threatening, can develop when alcohol is withdrawn. Short-term effects of alcohol use can include depression, gastritis, liver disease and automobile accidents, and domestic violence. Chronic alcohol use can produce irreversible changes, including dementia, sexual impotence, cirrhosis of the liver, and heart disease. Death can occur either as a complication of one of these chronic problems, or acutely, secondary to alcohol intoxication by poisoning or aspiration of vomitus or as the result of an automobile accident while driving intoxicated.

B. Impact on Families and Friends

Families are gravely affected by a chemical using member. Some of the effects on the family include feelings of insecurity, guilt, fear, isolation, anger, and resentment. As the chemically dependent person's disease progresses, the effects on the family worsen. As a very direct, physiological consequence, the infants of alcohol and cocaine using mothers often have low birth weight and may suffer from malformations and a variety of developmental problems. Children are often the most vulnerable to the effects of chemical dependency. Growing up in families where their developmental needs are not met, children may face a variety of problems; low self-esteem, inability to trust others, teenage pregnancy, and high risks for chemical use/dependency.

The lifestyle of the patient often affects the economic well-being of their families due to their inability to hold down a job. In some cases, the patient will steal from relatives, which reduces the family's financial means and stability. In many cases, substance use leads to violence at home.

There is an obvious emotional toll of substance use on the functioning of individual members and the family as a whole. Family members may actively deny the problem, may become symptomatic in an effort to deflect attention from the substance abusing member, or may assume the patient's responsibilities at home and even at work.

Chemical dependency is treatable. With an understanding of the disease and its impact on lives, family members and friends can take steps to help reduce enabling behaviors. Very often, the family's intervention with the user and his or her problem is an essential step which encourages the abusing member to seek treatment. Support groups for family members, such as Al-Anon, as well as family therapy can provide needed assistance to families as they grapple with the destructive effects of the user's addiction.

C. Impact on Academics

Many factors can negatively impact a student's academic success, including regular or excessive substance use. Such substance use can impact brain functions involved in learning and memory impacting information

processing. Research have linked both cannabis and alcohol use with lower grades due to skipping classes, not completing assignments at the highest level possible, and having clouded thinking and concentration. A student's commitment to academic performance can also decrease with excessive substance use. The impact of substance use can not only impact a student's academic performance while in college, but also lower the student's ability to achieve their career goals later in life.

D. Support and Treatment Centers

PennWest California provides intervention, education and prevention services in an introductory capacity. Students who must cope with advanced issues relating to alcohol and other drug use are encouraged to contact an agency listed below, consult with a licensed private professional or seek the assistance of PennWest California's Counseling Center. Those resources listed below that are community agencies do not comprise a comprehensive listing of off campus resources.

BASICS (PennWest California)

724-938-5507

Intervention, education, prevention, assessment, referrals

Counseling Center (PennWest California)

724-938-4056

Confidential Individual and Group Counseling

Health and Wellness Education Center (PennWest California)

724-938-4232

Health services and referrals

AL-ANON

800-425-2666

Support for friends and family of alcoholics

ALCOHOLICS ANONYMOUS

724-489-0740

Peer support in dealing with alcoholism

GATEWAY

800-472-1177

Substance abuse and addiction treatment and free evaluation

GREENBRIAR

800-637-4673

Substance abuse and addiction treatment

NARCOTICS ANONYMOUS

412-391-5247

Peer support in dealing with drug abuse

S.W. PA HEALTH SERVICES

724-489-9100

Alcohol and other drug treatment services

| EMERGENCY CONTACT INFORMATION | COMMUNITY RESOURCES |
|---|--|
| <i>Southwestern Human Services (SPHS) Crisis Care Center (24-hour crisis hotline)</i> 877-225-3567 | <i>Penn Highlands Mon Valley Hospital</i> 724-258-1000 |
| <i>University Police</i> 724-938-4299 | <i>Centerville Clinics</i> 724-632-6807 |
| <i>National Suicide Prevention Lifeline</i> 800-273-8255 | <i>Keystone Counseling and Social Services</i> 724-880-0740 |
| <i>Crisis Text Line</i> Text HOME to 741741 | <i>Western PA Behavioral Health Resources</i> 724-785-4346 |

For a full list of resources by county in Pennsylvania, visit: [Pennsylvania Counties Crisis Resource List](#)

This list of treatment facilities and services is not intended to be exhaustive; it is merely a helpful list of some contacts in areas convenient to PennWest California campus. PennWest California is not affiliated with and does not accept liability for any services, treatment, or counseling provided by these third-parties or their employees for any acts of misfeasance, nonfeasance, or malfeasance by same. The individual and his or her family should conduct reviews of these facilities before accepting their services.

Medical Amnesty is an act that enables protection from liability to those who seek medical attention as a result of an excessive use of alcohol or other substances. This act has been established to help protect college students from serious consequences, such as death, related to excessive use of alcohol and other drugs. You may find our information here: [SA020 Medical Amnesty \(pennwest.edu\)](#).

Health Risks of Commonly Used Substances

| Substance | Nicknames/Slang Terms | Short Term Effects | Long Term Effects |
|--------------------------------|---|---|--|
| Alcohol | | slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts | toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence |
| Amphetamines | uppers, speed, meth, crack, crystal, ice, pep pills | increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety | delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence |
| Barbiturates and Tranquilizers | barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's | slurred speech, muscle relaxation, dizziness, decreased motor control | severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence |

| | | | |
|------------------------|---|---|--|
| Cocaine | coke, cracks, snow, powder, blow, rock | Loss of appetite increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility Increased rate of breathing, muscle spasms and convulsions. dilated pupils disturbed sleep, | depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage |
| Gamma Hydroxy Butyrate | GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm | euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure | memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence |
| Heroin | H, junk, smack, horse, skag | euphoria, flushing of the skin, dry mouth, “heavy” arms and legs, slowed breathing, muscular weakness | constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence |
| Ketamine | K, super K, special K | dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression | Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence |
| LSD | acid, stamps, dots, blotter, A-bombs | dilated pupils, change in body temperature, blood | may intensify existing psychosis, panic |

| | | | |
|------------------------|--|---|---|
| MDMA | ecstasy, XTC, adam, X, rolls, pills | impaired judgment, confusion, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension | same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions death, physical dependence, psychological dependence |
| Marijuana/ Cannabis | pot, grass, dope, weed, joint, bud, reefer, doobie, roach | sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety | bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some |
| Mescaline | peyote cactus | nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature, | lasting physical and mental trauma, intensified existing psychosis, psychological dependence |
| Morphine/Opiates | M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff | euphoria, increased body temperature, dry mouth, “heavy” feeling in arms and legs | constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence. |
| PCP | crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone | shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking | memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence |
| Psilocybin | mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn | nausea, distorted perceptions, nervousness, paranoia, | confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis, |

| | | | |
|----------|--------------|--|--|
| Steroids | roids, juice | increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure | Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence |
|----------|--------------|--|--|

V. University Potential Sanctions and [Student Code of Conduct](#)

Disciplinary Warning: Official notice that specific behavior or activity was in violation of the conduct code and that further violations may result in more serious disciplinary action. Students receiving a Disciplinary Warning remain in good disciplinary standing.

Disciplinary Probation: Official notification of a specified period of review and monitoring. Further violations of the conduct code may result in more severe disciplinary action, including an examination of continued status as a student. Students on Disciplinary Probation are not in good disciplinary standing.

Final Disciplinary Probation: Final Disciplinary Probation is imposed only in very serious cases or in response to progressive discipline stipulating that a student, in lieu of University suspension, is being allowed to remain at the University provided that the student adheres to certain conditions, as set by the Board or Hearing Officer. A Student on Final Disciplinary Probation is denied the privilege to represent the University in any organized capacity including intercollegiate varsity, non-varsity or club events or to hold office in any Student Organization. Students on Final Disciplinary Probation are not in good disciplinary standing.

Suspension: Official notification involving a disciplinary separation from the University for a specified period generally not less than one semester and generally not exceeding two years. Suspension involves denial of all affiliated privileges and rights, including the privilege of using University facilities. A Student may not attend classes or be enrolled in online or distance education, take exams, earn grades, attend University activities or be on University property except for University business during the suspension period. University business must be approved in advance by the Dean of Students or designee. Further violations of the conduct code may result in more severe disciplinary action, including an examination of continued status as a student. Students on Suspension are not in good disciplinary standing. All stipulated conditions shall be completed before re-enrollment.

Expulsion: Official notification of permanent separation and termination of the Referred Party's status as a student, and exclusion from University property, privileges, and activities. Students on Expulsion are not in good disciplinary standing.

Restitution: Reimbursement for damage to, or destruction of, University property. **Housing Reassignment:** Movement from a current residential assignment to another location in campus housing. Housing rates may be impacted.

Housing Removal: Removal from campus housing for a specified period of time. Access to campus housing, including visitation, is prohibited. Should circumstances warrant, housing removal could be permanent. In accordance with Residence Life policy, in such instances there will be no refund of housing fees.

Alcohol/Other Drug Education: Completion of an assigned substance education program as directed.

Restriction of Privileges: Exclusion from, or limits on, participation in specified services and activities or specified campus facilities. Prohibition of participation in campus co-curricular activities or use of campus services, e.g., intramural participation, room reservation privileges, leadership.

Educational Activities: Completion of a specified activity, service project, educational program, event, assignment, papers, meetings or other educational and/or restorative assignment.

No Contact Directive: Official written expectations issued by a University administrator restricting or prohibiting contact between individuals and may also include other restrictions.

VI. Federal, State and University Drug Laws and Penalties

Pennsylvania Penalties

The legal ramifications of misuse of alcohol and/or controlled substances (drugs) are serious and varied, depending on the circumstances involved. The penalties are determined by examining each individual case. A person can be arrested or cited for violations ranging from summary through felony offenses. State System employees can be referred for prosecution for a violation of the state and/or local laws.

The following is a summary description of the legal sanctions under State and Federal law for the unlawful possession or distribution of illicit drugs and alcohol:

1. Drugs -- State Penalties and Sanctions for Illegal Possession, Sale or Delivery of a Controlled Substance:

- a. The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq. sets up 5 schedules of controlled substances based on potential for use, dangerousness and medical uses. The Act prohibits, among other things, the manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances except in accordance with the Act, as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the Act range from 30 days imprisonment, a \$500 fine or both for possession or distribution of a small amount of marijuana or hashish not for sale, to 15 years imprisonment or a \$250,000 fine or both for the manufacture or delivery of a Schedule I or II narcotic.

Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense. Immunity from prosecution under Pennsylvania law may be available for certain drug-related offenses for the person who calls 911, campus safety, police or emergency services to report that another person is in need of immediate medical attention to prevent death or serious injury, provides his/her own name, and remains with the person needing medical assistance until emergency services arrive, if the only way law enforcement officers become aware of the violation is due to the call.

- b. 18 Pa. C.S. §§ 6314, 6317 – A person over 18 years of age who is convicted for violating the Controlled Substance, Drug, Device and Cosmetic Act shall be sentenced to a minimum of at least one-year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus (“drug free school zones”), the person shall be sentenced to an additional minimum sentence of at least 2 years total confinement. Such offenses not involving minors in drug free school zones are subject to a mandatory minimum of two years of total confinement.
 - c. Pennsylvania’s Medical Marijuana Act (Apr. 17, 2016, P.L. 84, No. 16) states that growth, processing, manufacture, acquisition, transportation, sale, dispensing, distribution, possession and consumption of medical marijuana that is permitted under the Medical Marijuana Act will not be deemed to be a violation of Pennsylvania’s Controlled Substance, Drug, Device and Cosmetic Act. These activities continue to be subject to penalties and sanctions under U.S. federal law. For more information, see paragraph 2.a below.
 - d. The Pharmacy Act of 1961, 63 P.S. § 390-8 prohibits, among other things, procuring or attempting to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both. For each subsequent offense, the maximum penalty is three years’ imprisonment, a \$15,000 fine, or both.
 - e. The Vehicle Code, 75 Pa. C.S. § 3802 et seq. prohibits driving, operating or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle, if the alcohol concentration in the individual’s blood or breath exceeds the stated limits, or if the individual’s blood contains a controlled substance. Penalties for first-time violators of the Act range from a mandatory term of six months’ probation and a \$300 fine to 72 hours imprisonment and a \$5,000 fine. Penalties are greater for subsequent violations. Other penalties include suspension of operating privileges, installment of ignition interlock devices, and highway safety training. In addition to the above penalties, the court has discretion to order any or all of the following: drug or alcohol treatment, community service, and/or attendance at a victim impact panel.
2. Drugs -- Federal Penalties and Sanctions for Illegal Possession or Trafficking of a Controlled Substance:
- a. 21 U.S.C.S. §§ 841, 844 and 844(a)

For possession: 1st conviction: Up to 1 year imprisonment and fine of at least \$1,000 or both.

After 1 prior drug conviction: At least 15 days imprisonment, not to exceed 2 years, and fine of at least \$2,500. After 2 or more prior drug convictions: At least 90 days imprisonment, not to exceed 3 years, and fine of at least \$5,000. Special sentencing provisions for possession of flunitrazepam (the “date rape drug”): imprisonment not to exceed 3 years, a fine of at least \$1,000, or both. In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.

Additional penalties, including imprisonment and fines, apply for manufacture or distribution of a controlled substance or possession with intent to manufacture, distribute, or dispense, a controlled substance.

Notwithstanding the enactment of state laws permitting certain transportation, sale, dispensing, distribution, possession and consumption of marijuana under specified

conditions, including Pennsylvania's Medical Marijuana Act, the U.S. Department of Justice has made clear that marijuana remains an illegal drug under the U.S. Controlled Substances Act, and that federal prosecutors will continue to aggressively enforce this statute.

- b. 21 U.S.C.S. §§ 853(a) and 881(a) -- Forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. Forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, vessels, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.
- c. 20 U.S.C.S. § 1091(r) – A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified as follows: If convicted of an offense involving the possession of a controlled substance, the penalty for the first offense is ineligibility for 1 year, the second offense is ineligibility for 2 years, and the third offense is ineligibility for an indefinite period. If convicted of an offense involving the sale of a controlled substance, the penalty for the first offense is an ineligibility period of 2 years, and the penalty for a second offense is ineligibility for an indefinite period. A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period determined under such paragraph if (1) the student satisfactorily completes a drug rehabilitation program that complies with such criteria as prescribed by regulations, and includes two unannounced drug tests; (2) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (3) the conviction is reversed, set aside, or otherwise rendered nugatory.
- d. 21 U.S.C.S. § 862 – Upon conviction of possession, penalties may include (1) denial of Federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to 1 year for first offense and 5 years for subsequent offenses; (2) requirement to successfully complete an approved drug treatment program, including periodic testing; and (3) perform appropriate community service. These penalties are increased for trafficking.
- e. 18 U.S.C.S. § 922(g) -- Ineligible to ship, transport, receive or purchase a firearm or ammunition.

Miscellaneous -- Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

See the chart describing Federal Trafficking Penalties attached to this Policy as Appendix A for additional information.

Alcohol – State and Local Penalties and Sanctions for Illegal Possession or Other Violations: The Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code (in conjunction with portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. § 6307 et seq., and 18 Pa. C.S.A. § 5505) provides as follows:

- a) It is a summary offense for a person under the age of 21 to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. The penalty for a first

offense is suspension of driving privileges for 90 days and a fine up to \$500 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year and a fine up to \$1,000, and imprisonment for up to 90 days; for a subsequent offense, suspension of driving privileges for two years and a fine up to \$1,000, and imprisonment for up to 90 days. Multiple sentences involving suspension of driving privileges must be served consecutively.

- b) It is a crime to intentionally and knowingly sell or furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of 21). "Furnish" means to supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. The minimum fine for a first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.
- c) It is a crime for any person under 21 years of age to possess an identification card falsely identifying that person as being 21 years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. The penalty for a first offense is suspension of driving privileges for 90 days, a fine up to \$300 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year, a fine up to \$500 and imprisonment for up to one year; for a subsequent offense, suspension of driving privileges for two years, a fine up to \$500 and imprisonment for up to one year.
- d) It is a crime to intentionally, knowingly or recklessly manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birthdate, or age of another. Fine is minimum of \$1,000 for first violation and \$2,500 for subsequent violations; imprisonment for up to two years for any violation.
- e) It is a crime to knowingly misrepresent one's age to obtain liquor. Penalties are as stated in (c) above.
- f) It is a crime to appear in any public place manifestly under the influence to the degree that individuals may endanger themselves or other persons or property or annoy persons in their vicinity. The penalty is a fine up to \$500 for the first offense and up to \$1,000 for subsequent offenses; imprisonment for up to 90 days for any violation.
- g) It is a crime to knowingly, willfully and falsely represent that another is of legal age to obtain liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one year.
- h) It is a crime to hire, request or induce any minor to purchase liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one year.
- i) Sales without a license or purchases from an unlicensed source of liquor or malt beverages are prohibited.
- j) It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a Pennsylvania State Liquor Store or in accordance with Liquor Control Board regulations.
- k) Immunity from prosecution may be available for consumption or possession offenses involving minors for the person who calls 911, campus safety, police or emergency services to report that another person is in need of immediate medical attention to prevent death or serious injury, provides his/her own name, and remains with the person needing medical assistance until emergency health care providers arrive and the need for his/her presence ends if: (1) the only way law enforcement officers become aware of the violation is due to the call, and (2) the person reasonably believes he or she is the first person to make the call.

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

| Drug/Substance | Amount | Penalty - 1st Conviction |
|-----------------------|---------------------|--|
| Barbiturates | Any amount | Up to 5 years prison. Fine up to \$250,000 |
| Cocaine | 5 kgs. or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | Less than 100 grams | 10-63 months prison. Fine up to \$1 million |
| Crack Cocaine | 50 grams or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | 5-49 grams | Not less than 5 years prison, not more than 40 years. Fine up to \$2 million |
| | 5 grams or less | 10-63 months prison. Fine up to \$1 million |

| | | |
|-----------------|-------------------|---|
| Ecstasy | Any amount | Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison) |
| GHB | Any amount | Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison) |
| Hashish | 10-100 kg | Up to 20 years imprisonment. Fine up to \$1 million. |
| | 10 kg or less | Up to 5 years imprisonment. Fine up to \$250,000 |
| Hash Oil | 1-100 kg | Up to 20 years imprisonment. Fine up to \$1 million. |
| | 1 kg or less | Up to 5 years imprisonment. Fine up to \$250,000 |
| Heroin | 1 kg or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | 100-999 grams | Not less than 5 years prison, not more than 40 years. Fine up to \$2 million |
| | 100 grams or less | 10-63 months prison. Fine up to \$1 million |
| Ketamine | Any amount | Up to 5 years imprisonment. Fine up to \$250,000. 2 years supervised release |
| LSD | 10 grams or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | 1-10 grams | Not less than 5 years prison, not more than 40 years. Fine up to \$2 million |
| Marijuana | 1000 kg or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | 100-999 kg | Not less than 5 years prison, not more than 40 years. Fine up to \$2 million |
| | 50-99 kg | Up to 20 years imprisonment. Fine up to \$1 million |
| | 50 kg or less | Up to 5 years imprisonment. Fine up to \$250,000 |
| Methamphetamine | 50 grams or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | 10-49 grams | Not less than 5 years prison, not more than 40 years. Fine up to \$2 million |
| | 10 grams or less | 10-21 months prison. Fine up to \$1 million |
| PCP | 100 grams or more | Not less than 10 years prison, not more than life. Fine up to \$4 million |
| | 10-99 grams | Not less than 5 years prison, not more than 40 years. Fine up to \$2 million |
| | 10 grams or less | 10-21 months prison. Fine up to \$1 million |
| Rohypnol | 1 gram or more | Up to 20 years imprisonment. Fine up to \$1 million |
| | less than 30 mgs | Up to 5 years imprisonment. Fine up to \$250,000 |

Federal Drug Possession Penalties (21 USC 844)

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000.

Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- A. It is a first conviction and the amount of crack possessed exceeds 5 grams;
- B. It is a second conviction and the amount of crack possessed exceeds 3 grams;
- C. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Prevention and Education

Through the Student Health Services and other departments and offices, a variety of individual, group, and community educational programs and interventions designed to prevent and reduce alcohol and other drug use are offered to the PennWest California Community.

As mandated by the Drug-Free Schools and Campuses Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning programs, interventions and policies, contact the Associate Director for Wellness, Rachel Michaels (studentwellness-cal@pennwest.edu).