

# DRUG AND ALCOHOL VIOLATIONS

## Legal Sanctions

PCOM is in compliance with all applicable federal, state and local drug and alcohol laws, and vehicle codes. Any student convicted of a drug-related offense will be suspended, which includes immediate termination of all forms of financial aid.

All students should be aware of the legal sanctions under state, local, and federal law for the unlawful possession or distribution of prescription or illicit drugs and alcohol, as well as the health risks associated with abuse of controlled substances or alcohol. The following is a review of the legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

## Substance Abuse Policies

It is the policy of PCOM to maintain an environment that is free of substance abuse by students, faculty, and employees.

The policy includes the following:

1. Prohibition Against Unlawful Presence of Controlled Substances on Campus (refer to Additional Policies and Procedures section of this handbook).
2. Prohibition Against the Unauthorized Presence of Alcoholic Beverages (refer to Additional Policies and Procedures section of this handbook).
3. Prohibition Against Being Under the Influence of Any Alcohol or Controlled Substance at any College activity or function.

When a student is suspected of being under the influence of alcohol or drugs, that student will be reported to the Student Affairs Director on their respective campus. Appropriate actions will be taken. This may include referral to counseling support programs, suspension, or termination of enrollment.

The full Substance Abuse Policy (2.45) can be found on MyPCOM, Resources Section.

## Seeking Assistance

Students concerned about substance abuse should contact the Student Affairs Director on their respective campus or Carebridge, the confidential student counseling services resource PCOM provides to all students, at 1-800-437-0911 ([www.myliferesource.com](http://www.myliferesource.com) (<http://www.myliferesource.com/>)). Additional information about Carebridge services is provided on the Resources Section on PCOM's intranet site. Students may also contact HealthiestYou, a service that provides access to doctors and mental healthcare from anywhere even if you are traveling internationally. Services are free for students. Contact HealthiestYou at 866-703-1259. Additional resources can be found on the Mental Health and Wellness section of MyPCOM.

## Behavioral Intervention Team (BIT)

PCOM's Behavioral Intervention Team (BIT) is a cross functioning, multidisciplinary group that provides proactive and reactive assistance to students exhibiting concerning behaviors. Some students experience high levels of stress in their lives, as a result, the PCOM community may encounter students whose behaviors are concerning, disruptive,

or threatening towards themselves or others. If you experience or witness a student in crisis, please feel free to send an email to [bit@pcom.edu](mailto:bit@pcom.edu).

## Reports by Concerned Individuals

If a student suspects impairment of another student, students should seek guidance from the Behavioral Intervention Team (BIT) at [bit@pcom.edu](mailto:bit@pcom.edu) to submit a concern.

## General Detection of the Impaired Student

At the discretion of the Provost or his/her designee, a student may be required to submit to psychological assessment and/or a urine and/or blood screening to detect alcohol or the presence of illegal drugs based on reasonable suspicion of impairment. Medical professionals will perform such assessments and toxicology tests at no cost to the student, with reports sent in confidence to the Provost. If such screening measures detect impairment, the Provost or his/her designee may remand the matter to the Student Professional Conduct Committee. Students who have declined an assessment and/or recovery plan will automatically be remanded to the Student Professional Conduct Committee for dismissal proceedings.

In accordance with the College Disciplinary Policy, any student found guilty of the use, sale or distribution of illegal drugs, either on campus or off campus, will be subject to permanent termination of enrollment. PCOM's Substance Abuse Policy can be found on the Resources Section of MyPCOM.

## Support Available

Graduate and professional education can be a time of great stress. It may become difficult for a student to successfully adapt to these stresses, which may lead to the student engaging in potentially harmful coping mechanisms, such as alcohol or drug abuse. The Drug and Alcohol Policies represent the intent of the College to enable students to resolve substance abuse problems by requesting and receiving compassionate, confidential professional assistance.

In an effort to help our students and to protect patients and others from the harm that an impaired student may cause, PCOM's goals include:

1. Providing effective and compassionate assistance to the impaired student before irreversible harm is done to his/her health, educational process, eligibility for licensure, or ability to function competently upon graduation.
2. Providing a means by which the impaired student may request and receive confidential professional assistance without stigma or penalty, and thereby encourage self-reporting and personal responsibility.
3. Enabling the impaired student to confront his/her problem and, where feasible, receive effective therapy with minimal disruption of the student's education.
4. Establishing a process that focuses on counseling and therapy as a front-line approach before disciplinary action is necessary.

Additional resources can be found on the Mental Health and Wellness section of MyPCOM.

## DRUGS

## PENNSYLVANIA STATE LAW

1. The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et seq., sets up five schedules of controlled

substances based on dangerousness and medical uses. It prohibits 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 thirty days' imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to fifteen years or \$250,000 or both for the manufacture or delivery of a Schedule I or II narcotic. A person over eighteen 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 a university is located, the person shall be sentenced to an additional minimum sentence of at least two years' total confinement.

2. The Pharmacy Act of 1961, 63 Pa. C.S.A. 390-8, makes it unlawful to procure or attempt 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.
3. The Vehicle Code, 75 Pa. C.S.A. 3101 et seq., which was amended effective July 1, 1977, prohibits driving under the influence of alcohol or a controlled substance, or both, if the driver thereby is rendered incapable of safe driving. A police officer is empowered to arrest without a warrant any person whom he or she has probable cause to believe has committed a violation, even though the officer may not have been present when the violation was committed. A person so arrested is deemed to have consented to a test of breath or blood for the purpose of determining alcoholic content, and if a violation is found it carries the penalties of a misdemeanor of the second degree, which includes imprisonment for a maximum of thirty days.

### GEORGIA STATE LAW

"Controlled Substances": This broad category of illegal substance is defined in Drug schedules I-V, Official Code of Georgia Annotated (O.C.G.A.), Sections 16-13-25 to 16-13-29.1, including a long list of chemical compounds, opiates, hallucinogens, derivatives, isomers and other materials. The State Board of Pharmacy may add new materials to the list as required.

"Dangerous Drugs": This is an even broader category of illegal substance and is defined in O.C.G.A. 16-13-71, describing hundreds of chemicals and other compounds. The Georgia General Assembly may add drugs to the list as required.

### A SUMMARY OF THE CRIMINAL PENALTIES IS LISTED BELOW.

#### Criminal Punishment

*"First offender" treatment for mere possession of minor amounts of a controlled substance or dangerous drug.* A person never before convicted of possession of a small amount of the above material may, at the judge's sole discretion, be afforded firstoffender treatment, resulting in no entry of a plea of guilty and no record of any conviction, if the defendant successfully completes a court-monitored comprehensive rehabilitative program (O.C.G.A. 16-13-2(a)).

1. *Possession of one ounce or less of marijuana.* Imprisonment for 12 months or less and/or a fine not to exceed \$1,000, or "public works" (community services) not to exceed 12 months (O.C.G.A. 16-13-2(b)).

2. *Possession, manufacture or distribution of controlled substances.* This is punishable by confinement of up to 30 years in prison and fines of up to \$1 million, depending on the schedule sequence of the controlled substance involved, as well as the amount (see O.C.G.A. Section 16-13-30 and Section 16-13-31). The manufacture, distribution or possession with intent to distribute any controlled substance or marijuana within 1,000 feet of an elementary or secondary school, park, playground, recreation center, housing project or drug-free commercial zone can result in up to 40 years in prison with a fine of up to \$40,000 (see O.C.G.A. Section 16-13-32.4, 16-13-32.5 and 16-13-32.6). A detailed chart outlining the state penalties for crimes involving various controlled substances is available in the Student Affairs office.

### FEDERAL LAWS

1. The Federal drug laws, The Controlled Substances Act, 21 U.S.C. 801 et seq., are similar to the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, but contain, for the most part, more severe penalties. Schedules of controlled substance are established, and it is made unlawful knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to distribute or dispense a controlled substance. If the quantity of controlled substance is large (e.g., 1,000 kg of a mixture or substance containing marijuana), the maximum penalties are life imprisonment, a \$4,000,000 fine, or both. Lesser quantities of controlled substance (e.g., 100 kg of a mixture or substance containing marijuana) result in maximum penalties of life imprisonment, a \$2,000,000 fine, or both. The distribution of small amounts of marijuana for no remuneration or simple possession of a controlled substance carries a maximum of one year's imprisonment, a \$5,000 fine, or both, with the penalties for the second offense doubling. Probation without conviction is possible for first offenders. Distribution to persons under the age of twenty-one by persons eighteen or older carries double or triple penalties. Double penalties also apply to the distribution or manufacture of a controlled substance in or on or within 1,000 feet of the property of a school or college.
2. Students who have been convicted under state or federal law involving the possession or sale of a controlled substance are ineligible for federal student aid for specific periods (ranging from one year to an indefinite period depending on the nature of the offense and whether the student is a repeat offender).

### Alcohol

1. The Pennsylvania Liquor Code, 47 Pa., C.S.A., 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code as well as portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa., C.S.A. 6307 et seq., provide the following:
2. It is a summary offense for a person under the age of twenty-one to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. 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 subsequent offense, suspension of driving privileges for two years, a fine up to \$500 and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.
3. It is a crime intentionally and knowingly to sell or intentionally and knowingly to 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 twenty-one). "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. Penalty for a first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.

4. It is a crime for any person under twenty-one years of age to possess an identification card falsely identifying that person as being twenty-one years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. Penalties are stated in (2) above.

5. It is a crime intentionally, knowingly or recklessly to manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birth date, or age of another. Minimum fine is \$1,000 for first violation; \$2,500 for subsequent violations; imprisonment for up to one year for any violation.

6. It is a crime to misrepresent one's age knowingly and falsely to obtain liquor or malt or brewed beverages. Penalties are as stated in (1) above.

7. It is a crime knowingly, willfully and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

8. It is a crime to hire, request or induce any minor to purchase liquor or malt or beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

9. Sales without a license or purchases from an unlicensed source of liquor or malt or brewed beverages are prohibited.

10. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations. The University will cooperate with the appropriate law enforcement authorities for violations of any of the above-mentioned laws by an employee in the workplace or student.

11. The use in any advertisement of alcoholic beverages of any subject matter, language or slogan directed to minors to promote consumption of alcoholic beverages is prohibited.

12. No advertisement of alcoholic beverages shall be permitted, either directly or indirectly, in any booklet, program, book, yearbook, magazine, newspaper, periodical, brochure, circular, or other similar publication, published by, for, or on behalf of any educational institution.

## **FINANCIAL AID ELIGIBILITY AND DRUG CONVICTIONS**

Substance Abuse Question on the Free Application for Federal Student Aid (FAFSA)

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, if discovered, could result in fines up to \$20,000, imprisonment, or both.

Under the Higher Education Act, a student may become ineligible for federal student aid upon conviction of any offense involving the possession or sale of illegal drugs while receiving Title IV federal financial aid. Federal aid includes Federal Direct Loans, Federal Direct Graduate PLUS Loans, and Federal Work Study.

## **FEDERAL FINANCIAL AID PENALTIES FOR DRUG CONVICTIONS**

Possession of Illegal Drugs

First Offense: 1 year ineligibility from the date of conviction

Second Offense: 2 years' ineligibility from the date of conviction

Third and Subsequent Offenses: Indefinite ineligibility from the date of conviction

### **Sale of Illegal Drugs**

First Offense: 2 years' ineligibility from the date of conviction

Second and Subsequent Offenses: Indefinite ineligibility from the date of conviction

### **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.

### **REGAINING FINANCIAL AID 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.