

## **The Safe and Drug-Free Schools and Communities Act (DFSCA): Policies, Reporting, Warnings, Notifications, and Sanctions**

### **A DESCRIPTION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS**

Falcon Institute of Health and Science publishes and distributes annually to all current students and employees a copy of the Drug and Alcohol Abuse Prevention Program. Drug and Alcohol and Abuse Prevention programs information is available at Admissions Office. Students who enroll or employees who are hired after the annual distribution will be given the information. Below are the details related to this topic.

### **Drug and Alcohol Abuse Prevention**

Drug abuse affects all aspects of American life. It threatens the workplace, our homes, our schools and our community. The U.S. Department of Education requires institutions of higher education to implement a drug prevention and awareness program for their students and employees through the **Safe and Drug-Free Schools and Communities Act**.

All students and employees are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class, clinical or school related activities is prohibited and may be subject to disciplinary action or dismissal from the program.

### **Standards of Conduct**

Student, staff and faculty members must adhere to a code of conduct that recognizes that the unlawful manufacture, sale, delivery, unauthorized possession or use of any illicit drug is prohibited on the school campus, clinical sites or at the school organized activities.

If an individual associated with the School is apprehended for violating any drug- or alcohol-related law when on School property, or participating in a School activity, the School will fully cooperate with all law enforcement agencies.

Underage possession or consumption of alcoholic beverages is not permitted on School property, clinical sites or participating in a school activity. Intentionally or knowingly

selling, or intentionally or knowingly furnishing alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on School property, or while participating in a School activity. The school will fully cooperate with all law enforcement agencies.

### **Health Risks Associated with the use of Illicit Drugs and the Abuse of Alcohol**

Moderate to high doses of alcohol cause marked impairments in higher mental functions and the loss of memory. High doses of alcohol can cause respiratory depression and death.

Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver.

Physical effects of drugs include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite.

The use of drugs may impair or reduce short-term memory and comprehension, alter sense of time, and reduce the ability to perform tasks requiring concentration and coordination.

Motivation and cognition may also be altered making the acquisition of new information difficult. As one can see from the above, there are major health risks associated with the use of illicit drugs and the abuse of alcohol.

### **Federal Financial Aid Penalties for Drug Violations**

Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Opportunity Act states students convicted of an illicit drug violation can be denied federal financial aid for a specific period, in addition to other legal penalties.

The Free Application for Federal Student Aid (FAFSA) asks students if they have been convicted of a drug-related offense: "Have you ever been convicted of possessing or selling illegal drugs?" If you answer "yes," the School will send a worksheet in the mail to determine if your conviction affects your eligibility for aid. Failure to answer the

question automatically disqualifies students from receiving federal financial aid. Answering this question falsely could result in fines up to \$20,000, imprisonment or both.

### **Penalties for Drug Convictions**

If the student was convicted of both possessing and selling drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

#### **Possession of Illegal Drugs**

- For a first offense, a student loses eligibility for federal financial aid for one year from the date of conviction.
- For a second offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a third offense and subsequent offenses, a student has indefinite ineligibility for federal financial aid from the date of conviction.

#### **Sale of Illegal Drugs**

- For a first offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a second offense and subsequent offenses, a student has indefinite ineligibility from the date of conviction.

### **Other Potential Federal Penalties for Drug Violations**

Some other potential federal penalties and sanctions applicable to drug-related offenses include:

#### 21 U.S.C. 844

1st conviction: Up to 1 year imprisonment and fined at least \$1,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5, or both.

Provisions relating to increased penalties in cases of certain serious crack possession offenses, making offenders subject to fines under Title 18 or imprisonment to terms not less than 5 years and no more than 20 years, or both.

Possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both after mixture or substance exceeds 1 gram.

#### 21 U. S. C. 844a

Civil fine up to \$10,000

#### 21 U. S. C. 847 Additional Penalties

Any penalty imposed for violation of this subchapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

#### 21 U. S. C. 854 Investment of illicit drug profits

Whoever violates this section shall be fined no more than \$50,000 or imprisoned not more than 10 years, or both.

#### 21 U. S. C. 862

- a. Drug Traffickers - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 5 years for the first offense, up to 10 years for second and permanently ineligible for subsequent offenses.
- b. Drug Possessors – 1<sup>st</sup> offense is up to 1 year and 2<sup>nd</sup> and subsequent offenses are up to 5 years.
- c. Suspension of period of ineligibility (A) (B) (C)

#### 21 U. S. C. 862a

Denial of assistance and benefits for certain drug related convictions, i.e., state program funded under the Social Security Act or food stamp program or state program under the Food Stamp Act.

More information about federal penalties and sanctions for unlawful possession, use, sale, and/or distribution of controlled substances is located at

<http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

## **Legal Consequences of Substance Abuse Under Local, Pennsylvania, and Federal Law**

There are a number of legal consequences that can occur as a result of substance abuse (drugs and/or alcohol).

### 1. City of Bethlehem

Public consumption of alcoholic beverages and possession of open containers of alcoholic beverages in a public place or in an automobile is illegal and punishable by law. Punishment includes a \$100 fine or 30 days imprisonment (or both) for the first offense; a \$300 fine or 60 days imprisonment (or both) for the second offense; and a \$600 fine or 90 days imprisonment (or both) for the third and each subsequent offense.

### 2. Commonwealth of Pennsylvania:

**Alcohol:** A person less than 21 years of age commits a summary offense if he or she attempts to purchase, consume, possess, or knowingly and intentionally transport any liquor or malt or brewed beverage. Violation of this law is punishable by fines up to \$500, imprisonment up to 90 days, and mandatory loss of driving privileges in the Commonwealth of Pennsylvania. Misrepresentation of age to purchase alcohol is also punishable by fines up to \$500, imprisonment up to one year and loss of driving privileges. Altering, selling, or manufacturing false identification is punishable by a fine of up to \$2,500 (first offense) and up to \$5,000 (second and subsequent offense) plus loss of driving privileges. Selling or furnishing alcoholic beverages to those under 21 is punishable by a mandatory fine of up to \$2,500 (first offense) and \$2,500 (second and

each subsequent offense). All persons, while in the Commonwealth of Pennsylvania, are subject to the Pennsylvania Liquor Code and Crimes Code.

Pennsylvania law provides that a person with a blood alcohol content (BAC) of .08% or greater who operates a motor vehicle is considered driving under the influence and is subject to prosecution under Pennsylvania law.

A more complete summary of Pennsylvania laws and penalties related to alcohol may be found on the Pennsylvania Liquor Control Board's website at:

<https://www.lcb.pa.gov/Pages/default.aspx>

**Drugs:** The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et seq., establishes five schedules of controlled substances based on dangerousness and medical uses. It prohibits the manufacture, distribution, sale or acquisition of controlled substances except in accordance with the Act as well as acquisition by misrepresentation or forgery or the knowing possession of controlled substances unlawfully acquired.

Penalties for first-time violators of the Act range from 30 days imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to 15 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 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.

The Pharmacy Act of 1961, 63 Pa. C.S.A. 3908 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.

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 30 days.

***PA State Board of Nursing Licensure Requirements:***

A person convicted of any felonious act, as described below, may be prohibited from licensure by the PA State Board of Nursing.

A. Any student who has been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L. 223, No. 64) known as "The Controlled Substance, Drug, Device, and Cosmetic Act"

B. Any student who has been convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory, or country unless:

1) at least ten years have elapsed from the date of the conviction;

2) the applicant satisfactorily demonstrates significant progress in personal rehabilitation since the conviction to the PA Board of Nursing such that licensure should not create a substantial risk of further violations; and the applicant otherwise satisfies the qualifications contained in this act at the time of application for licensure.

\* Students who have known convictions must meet with the Program Director prior to the start of the program to discuss the possibilities of completing a nursing education program and achieving licensure.

\* The State Board of Nursing in Pennsylvania requires the applicant to report any misdemeanor or illegal act associated with alcohol or substance abuse.

**3. Federal**

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 the law prohibits the knowing or intentional manufacture, distribution, dispensing, or possession 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. Double or triple penalties are imposed against persons 18 or older who distribute to persons under the age of 21. 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.

Please see the U.S. Drug Enforcement Administration website at:

<https://www.dea.gov/agency/penalties.htm> for the most recent and complete information about Federal drug trafficking penalties

Students who have been convicted under a state or federal law prohibiting 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).

### **How You Can Help Report Drunk Drivers**

You can help by reporting suspected drunk drivers to your nearest State Police Headquarters. From your cellular telephone or citizens band radio, provide the following information:

- The location you are calling from.
- Time, location, direction of travel and a description of the suspected drunk driver.
- The make, color, and license plate number of the car.



## **How to Regain Federal Student Aid Eligibility**

1. A student can regain eligibility for federal student aid funds the day after the period of ineligibility ends or upon having a conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale of illegal drugs or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.
2. A student may also regain eligibility upon successful completion of a qualified drug rehabilitation program that must:
  - Include the student passing at least two unannounced drug tests;AND
  - Have received or is qualified to receive funds directly or indirectly under a federal, state or local government program, or
  - Be administered by a federal, state, or local government agency or court, or
  - Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company, or
  - Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.
3. A student may further regain eligibility upon successful completion of two unannounced drug tests which are part of an approved rehab program (the student does not need to complete the rest of the program).

The student is responsible to certify that a rehabilitation program was successfully completed. As with the conviction question on the FAFSA, the School is not required to confirm the reported information unless conflicting information is determined.

## **Convictions during Enrollment**

Federal regulations require enrolled students convicted of a drug offense after receiving federal financial aid to notify Falcon Institute of Health and Science immediately. The student will then become ineligible for further federal financial aid and must repay federal financial aid received after the conviction.

## **Drug and Alcohol Counseling**

Available to all students is the 211 Helpline Center. Students can call 211 to receive referrals to local resources and support for individuals who need drug and alcohol counseling.

### *Other Resources:*

Northampton County Drug & Alcohol  
20 E. Broad Street, Second Floor  
Bethlehem, PA 18018-6395  
Phone: 610-997-5800

<http://www.northamptoncounty.org/northampton/cwp/view.asp?A=1528&Q=620637>

Bethlehem Recovery Center of Northampton County  
2nd Floor, 548 N New St  
Bethlehem, PA 18018  
Phone: 610- 849-2209

Substance Abuse and Mental Health Services Administration (SAMHSA)

National Helpline- 1-800-662-HELP (4357)

**<https://www.samhsa.gov/find-help/national-helpline>**

American Psychiatric Association: <http://healthyminds.org>

SMART Recovery: [www.smartrecovery.org](http://www.smartrecovery.org)

## **Institutional Sanctions for Alcohol and Drug Violations**

Any member of the School community found consuming or selling drugs on School property or at the school related activities shall be subject to discipline on a case-by-case basis.

- Discipline will be based on the seriousness of the situation.
- A case may result in dismissal from the School.
- In all cases, the School will abide by local, state and federal sanctions regarding unlawful possession of drugs and the consumption of alcohol.
- Additional state penalties and sanctions may also apply.
- The School has adopted a zero-tolerance policy regarding underage drinking.

- Successful completion of an appropriate rehabilitation program by an individual confirmed to have been in violation of alcohol or drug policies and/or laws who has since sought admission or readmission to the school will be considered on a case-by-case basis.

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The expectations set forth in the school's Standards of Conduct related to drug and alcohol use is discussed earlier. Those expectations, as well as the provision of the related risks and consequences with the penalties and possible sanctions being highlighted, are re-emphasized and distributed to students and employees at least annually. Additionally, drug and alcohol counseling resources are made known to all members of the school community.

### **Biennial Review of the Drug and Alcohol Abuse Prevention Program**

The school will conduct a biennial review of their drug and alcohol abuse prevention program. This review will include a determination of the number of drug and alcohol-related violations and fatalities that occur on the institution's campus or as part of the institution's activities and the number and type of sanctions imposed by the institution as a result of drug and alcohol-related violations and fatalities that occur on the institution's campus or as part of the institution's activities.

The term “campus” is defined in the same manner as it is defined for campus safety reporting purposes. That is, the term campus encompasses any building or property owned or controlled by the school within a reasonably contiguous geographic area used in direct support of the school's educational purposes or used by students and supporting institutional purposes.

The effectiveness of Falcon Institute of Health and Science’s prevention program is, in part, also measured by tracking the number of drug and alcohol-related

- disciplinary actions,
- treatment referrals, and
- incidents recorded by campus officials.

Additionally, to assist in the determination of the effectiveness of Falcon Institute of Health and Science’s prevention program, the school considers, if and when the school is made aware, the number of students or employees attending self-help or other counseling groups related to alcohol or drug abuse. The school also conducts a survey to ascertain student, faculty, and employee attitudes and perceptions about whether there is a drug and alcohol problem on campus.

With the results gathered from the various points of information described above, the school writes its report giving the results of the biennial review and its determination of whether the program is being effective or must be modified. The school will keep the biennial review on file in case of a possible audit. Falcon Institute of Health and Science conducts its biennial review every other year. The report from the review and documents related to it are retained for three years after the fiscal year in which the report was created.