



## **CLARION UNIVERSITY OF PENNSYLVANIA**

# **DRUG-FREE SCHOOLS AND COMMUNITIES ACT**

For

**CLARION UNIVERSITY OF PENNSYLVANIA**

### **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.

### **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.

- i. To comply with the Drug Free Schools and Communities Act of 1989 (DFSCA) and subsequent amendments, students and employees of Clarion University are informed that strictly enforced policies are in place which prohibit the possession, use or distribution of any illicit drugs, including alcohol, on Clarion University property or as part of any Clarion University-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 Clarion University property or at Clarion University-sponsored events.
- ii. Clarion University affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse 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 abuse issues is available to students and employees through Clarion University 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.

## **CLARION UNIVERSITY OF PENNSYLVANIA ALCOHOL AND OTHER DRUG POLICIES**

### **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 Abuse of Alcohol and Illicit Drugs**

### **V. Federal, State and University Legal Sanctions Concerning Drugs and Alcohol**

\*Please note that this **does not** contain complete recitations of applicable laws and therefore should be used for general reference only. Direct inquiries to the Center for Wellness in 256 Becht Hall, (814)-393-2121.

### **I. Drug-Free Workplace Act of 1988**

*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 Clarion University of Pennsylvania 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 Clarion University of Pennsylvania 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 Clarion University of Pennsylvania 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 Clarion University of Pennsylvania 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 and Abuse of Alcohol and Illicit Drugs**

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

## **A. Alcohol/Drug Abuse**

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 abuse 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 abusing 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 abusing 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/abuse/dependency.

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

There is an obvious emotional toll of substance abuse 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 abuser'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. Support and Treatment Centers**

### **Clarion University of Pennsylvania**

1. Center for Wellness (Health Services; Counseling Services): (814) 393-2121
2. State Employee Assistance Program: (800) 692-7459

### **Clarion Borough Community Mental Health Agencies**

1. Primary Health Network: (814) 223-9914
2. Clarion Family Therapy: (800) 253-4906
3. Family Psychological Services: (814) 226-4912
4. SAFE: (800) 992-3039
5. Passages: (800) 793-3620
6. Clarion Hospital: (814) 226-9500
7. UPMC Northwest: (814) 676-7600
8. Adagio Health
  - a. Clarion (814) 226-7500
  - b. Venango: (814) 676-1811
9. Clarion County Counseling: (814) 226-6252

### **Venango College-Clarion University**

1. Turning Point Treatment Center: (888) 272-8922
2. Department of Counseling Services: (814) 676-6591, ext. 1281

### **Pittsburgh**

1. UPMC Mercy: (412) 232-8111
2. Pyramid Healthcare: (412) 241-5341
3. Greenbriar-Robinson Township: (412) 788-6292
4. Allied Addiction Recovery, LLC: (412) 246-8965
5. Onala Recovery Center: (412) 471-8797

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 Clarion University of Pennsylvania campus. Clarion University of Pennsylvania 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.

## **V. Federal, State and University Drug Laws and Penalties**

Federal law penalizes the knowing and intentional manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense a controlled substance or a counterfeit substance. 21 U.S.C. §841(a) (1-2). Listed below are the offenses and penalties for violation of the Controlled Substances Act.

### **A. §841(b) Offenses and Penalties**

**Any person who manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense the following controlled substances in the amounts listed:**

- 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;
- 5 kilograms or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or 280 grams or more of a mixture or substance described previously which contains cocaine base;
- 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- 400 grams or more of a mixture or substance containing a detectable amount of N-phenylN-
- [1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N- [1-(2-
- phenylethyl)-4-piperidinyl] propanamide;
- 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 1,000 or more marihuana plants regardless of weight; or
- 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

**Shall be penalized as detailed below:**

- Sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both.
- If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both.
- If any person commits a violation of this subparagraph or of section 409, 418, 419, or 420 [21 U.S.C. §849, 859, 860, or 861] after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence.

**Any person who manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense the following controlled substances in the amounts listed:**

- 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 500 grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or 28 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;
- 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;
- 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 100 or more marihuana plants regardless of weight; or
- 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

**Shall be penalized as detailed below:**

- Sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$5,000,000 if the defendant is an individual or \$25,000,000 if the defendant is other than an individual, or both.
- If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with

the provisions of title 18, United States Code, or \$8,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both.

**For further explanation and more specific offenses and penalties, see 21 U.S.C. §841, available at <http://www.law.cornell.edu/uscode/text/21/841>.**

#### **B. 21 U.S.C. §844(a)—Federal Possession Laws**

21 U.S.C. §844(a) penalizes the simple possession of controlled substances: It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this title or title III. It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title [21 USCS §823] or section 1008 of title III [21 USCS §958] if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration. It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this title or title III, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this title or title III, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, United States Code, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

**For further explanation, see 21 U.S.C. §844, available at: <http://www.law.cornell.edu/uscode/text/21/844a>.**

#### **C. State of Pennsylvania Laws Regarding the Unlawful Possession, Use, or Distribution of Illicit Drugs and Alcohol**

### *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 Offenses*

**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.

**D. Clarion University of Pennsylvania Alcohol and Illicit Drug Policy**

**I. Alcohol Policy**

The following sections describe Clarion University policy regarding the sale, service, distribution, and consumption of alcoholic beverages on University property or at University-sponsored events in accordance with federal, state and local laws.

### ***Basic Guidelines***

Students who are 21 years of age or older are permitted to possess and consume alcohol in their personal bedroom at Reinhard Villages. Students who are of legal drinking age may not share or provide alcohol to any students, employees or guests who are under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol anywhere on University property or at University-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

The Office of the President reserves the right to have designated events where alcohol may be present.

### ***Parental Notification***

Clarion University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

Clarion University alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale, or distribution of illegal drugs, whether on or off campus, by any student is also prohibited.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Judicial Affairs (or designee) reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the Clarion University alcohol and drug policy.

### ***Examples of Violations of the Clarion University Alcohol Policy***

- Purchasing alcohol by a person under the age of 21.
- Selling or providing alcohol to a person under the age of 21.
- Possessing either full or empty alcohol containers by a person under the age of 21.
- Consuming alcohol by a person under the age of 21.
- Showing physical or mental impairment following or resulting from alcohol use.
- Possessing empty alcohol containers for decorative purposes.
- Using or possessing common sources of alcohol including, but not limited to kegs, party balls, punch bowls, wine boxes, etc.
- Participating in or being present during the occurrence of any drinking game.
- Possession of beer bongs, beer pong tables, and other devices used or manipulated for use in any drinking game.
- Possessing an open container of alcohol in a common area including, but not limited, to bathrooms, hallways, lounges, elevators, lobbies or outdoor spaces.
- Driving under the influence of alcohol.
- Violations of Clarion Borough Ordinance related to open containers.
- Public Intoxication.
- Over Intoxication in a University Housing building or other campus building.

As stated in Section 4 of the *Student Code of Conduct*, “failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so”, is considered unacceptable behavior for a University student. An example of such behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off-campus, which is considered a violation of the University *Student Code of Conduct* and may result in conduct sanctions.

Examples of Clarion University alcohol policy violations and their sanctions is listed below. Sanctions are dependent upon a number of factors including, but not limited to: hearing officer discretion, the nature and severity of the incident, a student’s conduct history and a student’s cooperation throughout the conduct process.

a) *Minor in Possession/Consumption of Alcohol Policy Violations:*

1. First Offense—Possible sanctions and institutional actions include, but are not limited to:
  - Participation in an alcohol education activity (BASICS), at the student’s expense and as determined by the Director of Judicial Affairs (or designee);
  - Online Judicial Educator Module(s);
  - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years;
  - Reprimand up through suspension or expulsion from housing and/or the University; and/or
  - Other sanctions as determined by the Director of Judicial Affairs (or designee).
2. Second Offense— Possible sanctions and institutional actions include, but are not limited to:
  - Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;
  - Judicial Mentoring Program mandated meetings;
  - Authorship of a research/reflection essay;
  - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years;
  - Reprimand up through suspension or expulsion from housing and/or the University; and/or
  - Other sanctions as determined by the Director of Judicial Affairs (or designee).

3. Third and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:

- Suspension or expulsion from University housing and/or the University;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

b) *Purchasing, Selling or Providing Alcohol to Minors:*

1. First Offense— Possible sanctions and institutional actions include, but are not limited to:

- Judicial Mentoring Program mandated meetings;
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Participation in an alcohol education activity (BASICS), at the student's expense and as determined by the Director of Judicial Affairs (or designee);
- Authorship of a research/reflection essay;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years;
- Notification of law enforcement authorities;
- Eligibility restrictions;
- Reprimand up through suspension or expulsion from housing and/or the University;
- Community service hours to be performed at a specific location as determined by the Director of Judicial Affairs (or designee); and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

2. Second and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:

- Suspension or expulsion from the University;

- Notification of law enforcement authorities;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

c) *Driving Under the Influence/Driving While Intoxicated*: Clarion University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the University abides by the legal definition of *intoxicated* as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

1. First Offense— Possible sanctions and institutional actions include, but are not limited to:

- Loss of driving and/or parking privileges on campus for a specified period of time;
- Participation in an alcohol education activity (BASICS), at the student’s expense and as determined by the Director of Judicial Affairs (or designee);
- Community services hours to be performed at a specific location as determined by the Director of Judicial Affairs (or designee);
- Authorship of a research/reflection essay;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years;
- Eligibility restrictions; and/or
- Reprimand up through suspension or expulsion from the University;
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

2. Second and Subsequent Offenses — Possible sanctions and institutional actions include, but are not limited to:

- Suspension or expulsion from the University;
- Notification of law enforcement authorities;

- Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

## **II. Illicit Drug Policy**

Clarion University prohibits the sale, manufacture, distribution, possession, and use of illegal drugs on or off Clarion University property or at Clarion University-sponsored events, programs, or activities.

The following sections describe Clarion University's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off Clarion University property or at Clarion University-sponsored events in accordance with federal, state and local laws. Examples of violations include:

- Misuse of over-the-counter drugs.
- Misuse or sharing of prescription drugs.
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

This policy provides flexibility for Clarion University in addressing drug-related offenses which occur on- or off-campus. Moreover, it permits Clarion University to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, Clarion University must address the education and well-being of all its students and employees. In addition to Clarion University-imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on Clarion University property or at Clarion University events.<sup>[1]</sup>

### ***Safe Harbor***

Clarion University has a Safe Harbor policy for students. Clarion University believes that students who have a drug and/or addiction problem deserve help. If any Clarion University student brings their own use, addiction or dependency to the attention of Clarion University officials outside the threat of drug tests or imposition of the conduct process and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and the campus conduct process will be initiated.

### ***Violations of Clarion University Illegal Drug Policy***

Examples of Clarion University drug policy violations and their subsequent sanctions include the following.

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<sup>[1]</sup> Drug Offenses: Maximum Fines and terms of Imprisonment for Violation of the Federal Controlled Substances Act and Related Laws: <https://www.fas.org/sgp/crs/misc/RL30722.pdf>.

a) *Manufacture, Sale or Distribution of Illegal Drugs:*

1. First Offense—Possible sanctions include, but are not limited to:

- Expulsion or suspension from Clarion University;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

b) *For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs:* Drug paraphernalia (e.g. bongs), illegal drugs, and synthetic substances (e.g. K2, Spice, Bath Salts, and the like) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

1. First Offense—Possible sanctions include, but are not limited to:

- Suspension or expulsion from Clarion University housing;
- Expulsion or suspension from Clarion University. A suspension may be for a period of not less than the remainder of the semester in which the infraction occurred;
- Participation in a drug education activity (CASICS), at the student's expense and as determined by the Director of Judicial Affairs (or designee);
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Judicial Educator Modules;
- Authorship of a research/reflection essay;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

2. Second Offense— Possible sanctions include, but are not limited to:

- Expulsion or suspension from Clarion University;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Judicial Affairs (or designee).

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