

DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989

The Drug-Free Schools and Communities Act of 1989 required Cornell to adopt and implement programs, "to prevent the illicit use of drugs and the abuse of alcohol by students and employees." The legislation requires that the following information be distributed annually to each student and employee.

Cornell College Students

Please refer to the *Compass* for the standards that prohibit the unlawful possession or distribution of illicit drugs and for Cornell Alcohol Regulations.

Cornell College Employees

Cornell College Employee Policy for A Drug-Free Campus

Cornell College will promote the development of a drug-free environment consistent with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The unlawful manufacture, distribution, dispensations, possession, or use of illicit drugs or alcohol is prohibited on Cornell's premises or in connection with any of its activities.

The College will, in compliance with federal law, distribute a policy, which contains a statement of the following:

- a. The dangers of drug and alcohol abuse in the workplace and on the College's premises and as part of its activities;
- b. Standards of conduct that clearly prohibit, at a minimum, the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol by students and employees on the College's property or as a part of any of its activities;
- c. A description of applicable legal sanctions under Mount Vernon, Iowa, and Federal law;
- d. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- e. A description of available drug or alcohol counseling, treatment, rehabilitation, or re-entry programs;
- f. A clear statement of the disciplinary sanctions the College will impose on students and employees.

The College will make available counseling and support for students and employees on a confidential basis. For employees, there is an Employee Assistance Program available administered by Mercy Hospital. For students, a variety of medical, psychological, and counseling assistance is available as set out below.

- I. **DANGERS OF DRUG AND ALCOHOL ABUSE:** As explained further below, the use of illicit drugs and the abuse of alcohol adversely affect the health of the individual. Such use or abuse also puts the individual at risk for penalties imposed by the College, up to and including suspension or termination. State, federal, and municipal sanctions for use of illicit drugs and abuse of alcohol are contained in Attachment A.
- II. **PROHIBITED ACTIVITIES AND RELATED PENALTIES:** The following are prohibited on the College's premises and in connection with its activities:

Consistent with the Drug-Free Workplace Act of 1988, employees receiving a criminal drug statute conviction for a violation occurring in the workplace must notify the head of their department within five days of the conviction. The head of the department must in turn notify the program administrator within five days of learning of the conviction. If any of the employee's compensation is from a federal contract or grant program, the College must then notify the contracting or granting agency within ten days after receiving notice from the employee or of learning about an employee's criminal drug statute conviction for conduct in the workplace.

An employee receiving a drug-related criminal conviction will be subject to disciplinary action (up to and including suspension, suspension without pay, and termination) and may be required by the College to satisfactorily participate in a drug abuse or rehabilitation program.

Further, an employee who is found to be otherwise in violation of these policies prohibiting the use of illicit drugs or abuse of alcohol on the College's campus or in connection with its activities may be required to participate in the Mercy Employee Assistance Program or may be subject to disciplinary action up to, and including, suspension or termination.

III. HEALTH RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL AND THE USE OF ILLICIT DRUGS

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

Repeated use of alcohol can lead to dependence. Sudden stopping of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition can also lead to permanent damage to vital organs such as the brain and the liver.

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

Illicit Drugs: The harmful effects of illicit drugs vary from substance to substance. The following is a summary of the effects of a number of such substances by category:

1. **Narcotics:** Repeated use of narcotics, such as opium, morphine, and heroin, results in an increasing tolerance; the user must administer progressively larger doses to attain the desired effect, leading to dependence. Possible effects of the use of narcotics include euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Effects of overdose include: slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Withdrawal may lead to watery eyes, runny nose, yawning, and loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.
2. **Depressants:** Depressants, including barbiturates (e.g., Phenobarbital and Valium) and chloral hydrate have a potential for abuse associated with both physical and psychological dependence. The effect may vary from person to person and from time to time in the same individual. Low doses produce mild sedation. Higher doses, in so far as they relieve anxiety or stress, may produce a temporary sense of well being; they may also produce mood depression and apathy. Higher doses also result in impaired judgment, slurred speech, and loss of motor coordination, disorientation, and the potential for dependence. The effects of overdose include shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal may lead to anxiety, insomnia, and possible death.
3. **Stimulants:** Use of stimulants, such as cocaine, met amphetamine and amphetamines, may lead to a temporary sense of exhilaration, an excess of energy, hyperactivity, excessive wakefulness, and a loss of appetite. They may also lead to irritability, anxiety, and apprehension. These effects are greatly intensified with administration by intravenous injection, which may produce a sudden sensation known as a "flash" or "rush". The protracted use of stimulants is followed by a period of depression known as "crashing." Long term use can lead to brain damage. The effects of overdose include agitation, increase in body temperature, hallucinations, convulsions, and possible death. The effects of withdrawal include apathy, long periods of sleep, irritability, depression, and disorientation.
4. **Hallucinogens:** Hallucinogens, including LSD, peyote, and mescaline, distort the perception of objective reality. They induce a state of excitation of the central nervous system, shown by alterations of mood, usually euphoric, but sometimes seriously depressive. Other effects include hallucinations and poor perception of time and distance. Effects of overdose include longer, more intense "trip" episodes, psychosis, and possible death.
5. **Cannabis:** There are three drugs that come from cannabis, or hemp, that are distributed in the United States: Marijuana, hashish, and hashish oil. The effects vary from individual to individual. Marijuana is considered a "gateway" drug that may lead to the use of other illicit drugs. Low doses of these drugs tend to induce restlessness and an increasing sense of well being, followed by a dreamy state of relaxation, and often hunger. Changes in perception may lead to disorientation. Overdose may lead to fatigue, paranoia, and possible psychosis. Withdrawal may lead to insomnia, hyperactivity, and decreased apathy.

Source: U.S. Department of Justice

- IV. EDUCATION: The College will establish ongoing education programs for employees and students. Written materials and videos will be available at the College Library, as will information concerning available resources for assistance.
- V. AVAILABLE DRUG AND ALCOHOL RELATED SERVICES AT THE COLLEGE: For employees, there is a confidential Employee Assistance Program administered by Mercy Hospital. For students there is assistance available through the Health Center, the Counseling office, Residence Life staff, the Chaplains office and the Dean of Students office.
- VI. CONDITION OF EMPLOYMENT AND ENROLLMENT: As a condition of employment or enrollment, employees and students must agree to abide by the terms outlined in this policy.
- VII. BIENNIAL REVIEW: Pursuant to the Drug Free School and Communities Amendments of 1989, these policies will be reviewed every two years for compliance. The materials developed pursuant to these policies and the results of the biennial review will be made available to the Secretary of Education if the College is chosen in a random selection by the Secretary for determination of compliance.
- VIII. POSTING OF POLICIES: In addition to circulating these policies annually to all students and employees, these policies will be posted in areas of the College in compliance with the Drug-Free Workplace Act of 1988.
- IX. CERTIFICATION: The College has taken the appropriate steps to certify its compliance with the Secretary of Education of the United States pursuant to the Drug Free Schools and Communities Amendments of 1989 and to the appropriate granting agencies pursuant to the Drug-Free Workplace Act of 1988.

ATTACHMENT A

STATE, LOCAL, AND FEDERAL STATUTES GOVERNING
ALCOHOL AND ILLICIT DRUGS

Alcohol - State Laws

The students at the College who use alcoholic beverages are subject to the alcoholic beverage laws of the State of Iowa, contained in Chapter 123 of the Code of Iowa, which are as follows:

A. Purchase, Consumption, or Possession of Alcohol by a Minor: An individual less than 21 years of age may not purchase or attempt to purchase nor legally consume alcoholic beverages (including wine and beer) in public. A violation of the above is a simple misdemeanor punishable by a fine of \$100.00 for the first offense. Second and subsequent offenses are serious misdemeanors punishable by a fine of \$250.00 and suspension of driving privileges for a period not to exceed one year. However, if the person is less than 18 years of age, the violation shall be referred to the Juvenile Justice System under Iowa Code Chapter 232. No person shall sell, give or otherwise supply alcoholic beverages to any individual less than 21 years of age. A violation by a person of legal age is a serious misdemeanor punishable by a minimal fine of \$500.00. If the result of supplying alcoholic beverages to a minor results in serious injury or death, the supplier of the alcoholic beverage commits an aggregated misdemeanor of class "D" felony, respectively.

B. Public Intoxication: An individual shall not use or consume alcoholic beverages (including wine or beer) in any public place not covered by a liquor license. A person shall not be intoxicated (or pretend to be intoxicated) in a any public place. A person violating this provision is guilty of a simple misdemeanor with imprisonment not to exceed 30 days or a fine of at least \$50, not to exceed \$100.

C. Sale of Alcoholic Beverages without a License: The sale or resale of alcoholic beverages is prohibited by Iowa law unless the seller possesses a valid license or permit.

D. Driving while Intoxicated: A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this State either while under the influence of an alcoholic beverage or other drug or a combination of such substances or while having an alcohol concentration of .10 or more. A first offense is a serious misdemeanor and is punishable by all of the following: jail for not less than 48 hours, a fine up to \$1,000.00, revocation of driving privileges and license for a minimum of 180 days, and assignment to substance abuse evaluation and treatment, a course for drinking drivers, and reality education substance abuse preventative program. A second offense, an aggregated misdemeanor, is punishable by jail of not less than seven days and a fine of not less than \$1,500.00 nor more than \$5,000.00. A third and each subsequent offense, a Class "D" felony is punishable by jail for not more than one year but not less than 30 days and a fine of not less than \$2,500.00 nor more than \$7,500.00.

In addition to the above, a person who is under the age of 21 shall not operate a motor vehicle while having an alcohol concentration of .02 or more. A minor violating this provision faces revocation of driving privilege and license.

A court may also order an offender to attend a course for drinking drivers and, for second or more offenses, may order a substance abuse evaluation.

E. Open Container Laws: It is illegal for a person to transport, carry, possess, or have any alcohol within the passenger area of a motor vehicle except in the original container and with the seal unbroken.

Alcohol - Mount Vernon Ordinances

A. Purchase, Sale, Consumption or Possession of Alcohol by a Minor: An individual less than 21 years of age in possession of alcoholic liquor, wine or beer within the corporate limits of Mount Vernon is guilty of a simple misdemeanor. An individual less than 21 years of age who misrepresents their age in an attempt to purchase liquor, wine or beer is guilty of a simple misdemeanor. Mount Vernon Municipal Code 45.01. A simple misdemeanor is punishable by a maximum of \$100 or 30 days in jail. It is also illegal for a minor to serve beer in a business which does less than 50% of its business in food sales, or to be present in such an establishment without a parent or guardian.

B. Public Intoxication: No person shall be intoxicated nor simulate intoxication in a public place. A person violating this section is subject to a maximum of \$100 fine or 30 days in jail.

Illicit Drugs

Illicit drugs (controlled substances) are subject to the following state and federal prohibitions:

State Statutes: Iowa law provides that it is unlawful for any person to manufacture, deliver or possess with intent to manufacture or deliver a controlled substance, or to act or conspire with others to do such acts. Anyone violating this provision will be subject to criminal penalties depending on what schedule the particular substance falls under, as set out in Iowa code Chapter 124. The penalties range from a serious misdemeanor to a class "D" felony. These penalties also apply to medical or prescription drugs unless delivered or possessed pursuant to a valid prescription.

It is also illegal to manufacture, deliver or possess with intent to manufacture or deliver any counterfeit or simulated controlled substance.

Federal Laws: Under Federal law, illicit drugs are subject to the following penalties:

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(a) Simple possession:

1st conviction: Up to 1 year imprisonment and/or fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction under federal or state law: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions under federal or state law: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory minimum of five years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- a. 1st conviction and the amount of crack possessed exceeds 5 grams
- b. 2nd crack conviction and the amount of crack possessed exceeds 3 grams
- c. 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7) Criminal forfeiture:

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack).

21 U.S.C. 881(a)(4) Criminal forfeiture:

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a Civil Penalty for Possession of Small Amount of Certain Controlled Substances:

Civil fine of up to \$10,000 for each such violation.

21 U.S.C. 862 Denial of Benefits

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 year for second and subsequent offenses for possession of controlled substances. Increased penalties apply if convicted for drug trafficking.

18 U.S.C. 922(g) Firearms

Ineligibility to receive or purchase a firearm.

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.