

# Drug and Alcohol Abuse Prevention Program (DAAPP)

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The Drug-Free Schools and Communities Act of 1989 requires every higher education institution that receives any form of Federal funding to implement a drug and alcohol abuse prevention program (DAAPP). The purpose of this program is to prevent the unlawful possession, use or distribution of alcohol and drugs by students and employees on School property and as part of the School's activities.

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 Schools 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 are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class is prohibited and may be subject to disciplinary action.

JNA Institute of Culinary Arts is concerned about the well-being of its community members and has embraced the expectations of the Drug-Free School and Communities Act. Below is the most recent version of the School's Drug and Alcohol Abuse Prevention Program, which is distributed annually to all students and all employees.

Questions about this policy should be directed to Joseph DiGironimo, Director.

## Standards of Conduct

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.

The School community 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 property owned or otherwise controlled by JNA Institute of Culinary Arts. 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 property owned or controlled by the School and the state laws will be enforced. 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 property owned or controlled by the School.

## 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>

## State Penalties and Sanctions for Unlawful Use of Alcohol

The Commonwealth of Pennsylvania prohibits the service or consumption of alcohol to persons under 21 years of age. All persons while in the Commonwealth of Pennsylvania are subject to the Pennsylvania Liquor and Penal Codes. They are as follows:

| Activity  | Penalty   |
|---|---|
| Misrepresentation of age to secure any alcohol, liquor, malt, or brewed beverage  | Fine not to exceed \$500 and suspension of operating license  |
| Individual less than twenty-one years of age who purchases, consumes, possesses, or transports any alcohol, liquor, malt, or brewed beverage. | Fine not to exceed \$500 and suspension of operating license  |
| Misrepresenting to liquor dealers or others that another party who is a minor is of age.  | Fine not less than \$300  |
| Inducement of minors to buy alcohol, liquor, malt, or brewed beverages  | Fine not less than \$300  |
| Selling or furnishing alcohol, liquor, malt, or brewed beverages to minors.   | First violation fine not less than \$1,000, subsequent violation fine not less than \$2,500   |
| Carrying a false I.D. card.   | First offense is a summary offense and results in restriction of operating privileges; subsequent offense results in restriction of operating privileges and fine of \$30 |

The law provides for the restriction of operating privileges (loss of driver's license). This penalty is applied in an escalating manner in each subsequent offense as outlined here.

FIRST OFFENSE - Loss of operating privileges for a period of 90 days from the date of suspension.

SECOND OFFENSE - Loss of operating privileges for a period of one year from the date of suspension.

THIRD AND SUBSEQUENT OFFENSE - Loss of operating privileges for a period of two years from the date of suspension. Nondrivers shall be unable to secure an operator's license for the time periods related to the number of offenses.

## 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 ABC School 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

Students are referred to:

Philadelphia Office of Addiction Services,

1101 Market Street, Eighth Floor,  
Philadelphia PA 19107,  
888-545-2600

The School Director or CSA can provide a list of local, regional and national drug or alcohol abuse educational programs.

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

Any member of the School community found consuming or selling drugs on School property 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.

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

Every other year, JNA Institute of Culinary Arts will conduct a biennial review of the DAAPP to determine its effectiveness and implement changes to the program if they are needed. The review will also ensure that any disciplinary sanctions are consistently enforced.

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 School purposes.

The effectiveness of JNA Institute of Culinary Arts' 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.