



MercyCollege of Ohio

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2019 ANNUAL NOTIFICATION OF DRUG AND ALCOHOL ABUSE/PREVENTION POLICY AND PROGRAMMING

Introduction

Mercy College of Ohio's Drug and Alcohol Abuse Prevention Policy and related programming is part of the College's efforts for compliance with the Drug-Free Schools and Communities Act (DFSCA) of 1989. As a part of the DFSCA, The Drug-free Schools and Campuses Regulations (Education Department General Administrative Regulations [EDGAR] part 86), requires an annual notification to all students and employees of the policies, sanctions, and risks associated with the use of alcohol and other drugs.

This notification provides the following information:

- Policies and Standards of Conduct for students and employees related to drug and alcohol use.
- The legal sanctions under federal, state, or local laws as they relate to drugs and alcohol.
- The health risks associated with the abuse of drugs and alcohol.
- Drug and alcohol prevention resources that are available to students and employees.

Policies and Standards of Conduct (Students)

[Mercy College of Ohio Drug and Alcohol Abuse/Prevention Policy and Program:](#)

Purpose

Mercy College has an ethical and professional duty to students, employees, patients, and the community to provide an environment that maintains high standards of safety, health, and efficiency. The use, sale, transfer or possession of controlled substances or alcohol by students creates a potential for harm. This policy provides guidelines to deal with actual or potential situations in a systematic manner. An agreement to abide by this policy is a condition of enrollment at Mercy College.

General Statement

It is the responsibility of all students to conduct themselves in a manner consistent with College requirements for maintaining an environment free from threat to person, property, efficiency or reputation because of illegal use, sale, transfer, or possession of alcohol or dangerous drugs as defined by Section 2925.01 of the Ohio Revised Code and United States Code 21, Section 811 and 844.

Policy

1. The use, sale, transfer or possession of controlled substances, alcohol or dangerous drugs, as defined by Section 2925.01 of the Ohio Revised Code during working hours, on clinical assignment or any Mercy organization property is forbidden, and are grounds for disciplinary action including dismissal from the College. The presence of controlled substances and/or alcohol in a student's physical system during working hours or while the student is on clinical assignment is grounds for dismissal from the College.
2. The illegal use, sale, transfer or possession of controlled or illegal substances off college property or clinical sites constitutes grounds for dismissal from the College.
3. Law enforcement may be notified of illegal sale, use, transfer or possession of controlled or illegal substances required by Section 2921.22, Ohio Revised Code, which states in part, "No person knowing that a felony is being committed shall knowingly fail to report such information to law enforcement authorities."
4. Mercy College may take any disciplinary action deemed appropriate for violation of this policy. Violation of this policy may result in dismissal from Mercy College.
5. Mercy College is under no financial obligation to assist any student who violates this policy. However, efforts would be made to assist and guide the student in initiating appropriate referral and rehabilitation.
6. Mercy College will permit the legal use of medication or drugs prescribed by a licensed practitioner if such usage does not adversely affect the student or others. Mercy College reserves the right to define "adversely affect," and it will do so in consideration of the health and safety of the student and others. The College may, at its discretion and upon consideration of the specific circumstances, take all necessary action (which may include disability accommodation or a range of discipline, as appropriate to those circumstances) when a student is deemed to be adversely affected by the use of legally prescribed medications.
7. In cases in which the faculty or staff member reasonably suspect violations of this policy, these individuals may request a drug screen. The same drug screening protocol outlined in the College's "Criminal Background Check/Drug Screen Policy and Procedures for Clinical Students" will be utilized. A student's failure to comply with a request to undergo a drug screen sampling or refusal to sign a consent authorizing testing will result in disciplinary action, which may include dismissal from the College.
8. Students must notify the College of any criminal drug statute conviction (this includes misdemeanor or felony) within five (5) days after the conviction. Mercy College will

notify any appropriate government agency entitled to notice within ten (10) days of receiving notice of a conviction.

Standards of Conduct

The purpose of the Student Code of Conduct at Mercy College of Ohio is to provide an environment conducive to student learning guided by the Values of the College.

Students who participate in the learning environment at Mercy College of Ohio must conduct themselves with the highest level of professional and ethical behavior regardless of the setting. Page 79 of the [Mercy College Catalog](#) identifies *use, possession, or distribution of illegal and controlled substances (such as marijuana and cocaine), and violation of state laws and college policies governing the use, possession, and distribution of alcoholic beverages* as inappropriate conduct. Depending on the severity of the inappropriate conduct, Mercy College of Ohio reserves the right to begin the disciplinary process at any of the steps listed:

1. Verbal Warning
2. Written Warning
3. Suspension, Dismissal, Expulsion, and Other

[Policy and Standards of Conduct \(Employees\)](#)

Purpose

Bon Secours Mercy Health (BSMH) wants associates to be free of substance that can interfere with the performance of their duties.

BSMH follows strict guidelines for post-offer, pre-employment, drug diversion and for-cause reasonable suspicion drug and/or alcohol screening.

Policy

BSMH is committed to providing a safe, drug and alcohol-free environment for our patients, visitors, and associates. Associates are expected to report to work Fit for Duty. This policy applies to all associates of BSMH.

Policy Details

- A. Associates are prohibited from using Illegal Drugs or alcohol while on Ministry property, at Ministry events, or while on Ministry time, including rest and break periods. The exception is that alcohol may be consumed when provided at certain Ministry-sponsored events.
- B. Associates are prohibited from being impaired by any substance, including Illegal Drugs, alcohol, or lawfully prescribed medications, while on Ministry property. This includes Ministry events or while on Ministry time, including rest and break periods.
- C. BSMH prohibits the sale, transfer, purchase, manufacture and distribution of all drugs, including Illegal Drugs and prescription medications, while on Ministry property. This includes Ministry events or while on Ministry time, including rest and break periods. Anyone who tests positive for Illegal Drugs or alcohol or who is otherwise impaired while conducting BSMH business may be subject to corrective action, up to and including termination.

- D. Only applicants with a negative drug screening will be permitted to work at BSMH.
1. Candidates who have a history of positive drug screen results upon initial application and who re-apply to BSMH for employment after 180 days will be managed on a case-by-case basis for consideration. Each case will be managed in collaboration with Integrated Absence and Talent Acquisition.
- E. Drug & Alcohol Testing
- i. Any BSMH drug or alcohol testing will be conducted by a licensed medical laboratory that follows testing standards established by state and/or federal regulations.
 - ii. BSMH conducts testing of associates and applicants for the following reasons:
 1. Pre-employment drug testing
 - a. All prospective BSMH associates must submit to a drug test once a conditional offer of employment has been extended and accepted.
 - b. An offer of employment is conditioned upon the prospective employee testing negative for alcohol and illegal drugs.
 - c. All prospective associates who are denied employment due to a positive test may not reapply for employment for at least 180 days.
 2. Reasonable suspicion drug testing
 - a. BSMH may require a blood test, urinalysis, or other drug/alcohol screening on anyone whose actions lead to a reasonable suspicion of use or being under the influence of drugs and/or alcohol, or where any circumstances indicate the associate may be unable to perform the essential functions of his or her job.
 - b. Circumstances which may give reasonable suspicion for drug/alcohol testing may include, but are not limited to:
 - i. Observation of inappropriate behaviors (e.g., slurred speech, poor coordination, irrational behavior) or performance problems on the job that might be caused by substance abuse.
 - ii. A work-related accident or serious incident, including motor vehicle accidents, where the supervisor has reason to question whether the associate was impaired.
 - iii. Instances where controlled substances are reported missing and the associate is a suspect (diversion).
 - iv. Monitoring associates who have been in substance abuse treatment and have returned to work (e.g., work re-entry agreements).
 - v. Odor of alcohol or drugs.
 - vi. The documented possession, use, manufacture, or sale of illegal drugs off the Ministry premises.

- iii. Consent to submit to such testing is required as a condition for continuing employment; refusal to consent will result in termination of employment.
 - iv. Employees will be placed on unpaid administrative leave pending test results.
 - 1. If the test results are negative, employees will receive retroactive pay for the administrative leave period if not subject to corrective action or termination for another reason.
 - v. If suspected of diversion, employees will be placed on unpaid administrative leave subject to testing and investigation.
 - 1. Licensed medical professionals will be reported to the appropriate state boards as required by applicable regulations.
 - vi. Confidentiality of Testing information
 - 1. All information regarding testing, including the results, is deemed strictly confidential.
 - 2. Only individuals with a reasonable need to know will have access to records regarding the testing of an associate.
 - 3. The intentional or negligent disclosure of information related to BSMH testing to any individual without a need to know will result in corrective action, up to an including termination, of the disclosing associate.
- F. Associate Assistance
- i. An associate who voluntarily seeks rehabilitative assistance for drug and/or alcohol dependency will not trigger corrective action under this policy. This applies if the associate has self-reported before being identified for testing through other means and/or being involved in conduct or circumstances that would trigger reasonable suspicion testing.
 - ii. Voluntary self-referral will not prevent BSMH from placing an associate on a leave of absence or from transferring the associate to another job.
 - iii. BSMH offers an associate Work/Live Services Program to associates who believe they may have a substance abuse issue.

Definitions

Drug Diversion – The redirection of prescription drugs for illegitimate purposes or the transfer of any legally prescribed drug from the individual for whom it was prescribed to another person for any illegitimate purpose.

Illegal Drugs – Controlled substances, street drugs, designer drugs, and/or all other substances that have the potential to impair or adversely impact the use. Illegal Drugs also include (a) legal chemicals used in a manner inconsistent with their legitimate purpose and (b) the misuse of prescription medications when the medication is not used in the means, manner, and purpose identified consistent with the prescription, including the use of prescription medications by anyone other than the prescribed user.

Fit for Duty – When an associate can perform the essential functions of his or her position with or without reasonable accommodation and does not pose a safety or health risk to patients, volunteers, visitors, providers or other associates.

Legal Sanctions Related to Drugs and Alcohol

Federal Law

- Federal law prohibits, among other things, the manufacturing, distributing, selling and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971.
- Depending on the amount, first offense maximum penalties for trafficking marijuana range from up to five years' imprisonment and a fine of up to \$250,000 to imprisonment for life and a fine of \$4 million.
- Depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g., methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million.
- First offense penalties and sanctions for the illegal possession of small amounts of controlled substances, including marijuana, range from up to one year in prison or a fine of at least \$1,000. Penalties are more severe for subsequent offenses.
- Convictions for federal drug offenses can also result in the loss of eligibility for federal financial aid.

Ohio State Law (Alcohol)

Ohio's laws related to the use of alcohol include, but are not limited to, the following:

- Ohio Revised Code ("O.R.C.") Section 4301.63 provides that no person under the age of 21 years shall purchase beer or intoxicating liquor. The penalty for a violation may include a fine of not less than \$25, but no more than \$100 may be imposed. The court may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court and shall designate the time within which the public work shall be completed.
- O.R.C. Section 4301.631 provides that no underage person can purchase low alcohol beverages, that no person may furnish low alcohol beverages to an underage person, and that no person shall allow underage persons to consume low alcohol beverages on his or her property. Punishments for violating O.R.C. Section 4301.631 range from fines of \$25 to \$250 and imprisonment up to 30 days.
- O.R.C. Section 4301.633 provides that no person shall knowingly furnish any false information as to the name, age, or other identification of any person under 21 years of age for the purpose of obtaining beer or intoxicating liquor for a person under 21 years of age, by purchase or as a gift. Violation of this law is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.
- O.R.C. Section 4301.634 provides that no person under the age of 21 years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the department of liquor control. Violation of this law is a misdemeanor of the

first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.

- O.R.C. Section 4301.64 prohibits the consumption of any beer or intoxicating liquor in a motor vehicle. Violation of this law is a misdemeanor of the fourth degree. The maximum penalty is imprisonment for not more than 30 days and a \$250 fine.
- O.R.C. Section 4301.69(A) prohibits selling beer or intoxicating liquor to a person under the age of 21 years, or buying it for or furnishing it to such a person. Violation of this law is a misdemeanor. The maximum penalty is imprisonment for not more than 6 months and a fine of not less than \$500 and no more than \$1,000.
- O.R.C. Section 4301.69(E) provides that no underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a parent, spouse, or legal guardian, who is not an underage person, or unless the beer or intoxicating liquor is given for medical or religious purposes. Violation of this law is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.
- O.R.C. Section 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol and/or any drug of abuse. Violation of this law is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,075 fine, in addition to license suspension and attendance and satisfactory completion of a treatment or education program. Penalties for repeat offenders can result in up to 5 years in prison and an increase in fines.

Ohio State Law (Drugs)

Ohio's laws related to the illegal use of drugs include, but are not limited to, the following:

- O.R.C. Section 2925.03 provides that no person shall knowingly "traffic" in controlled or illicit substances, including marijuana. Trafficking includes selling, offering to sell, delivering, distributing, preparing, cultivating, and manufacturing of controlled substances. The penalty is mandatory fines ranging from \$100 to \$20,000, depending on the offense and drug involved, and mandatory jail sentences ranging from 6 months to 10 years.
- O.R.C. Section 2925.11 provides that no person shall knowingly obtain, possess, or use a controlled substance. Drug abuse offenses involving amounts of marijuana less than 100 grams carries a penalty of not more than \$150. Possessing larger amounts of marijuana will result in more severe penalties up to a mandatory jail term of not more than 8 years and a fine of up to \$15,000. Drug abuse offenses involving other drugs may result in jail terms of up to 11 years and fines of \$20,000.
- O.R.C. Section 2925.12 provides that no person shall make obtain, possess, or use drug abuse instruments. A first offense can carry a jail term of up to 90 days and fines of \$750, plus driver's license suspension for a period of six months to five years.

- O.R.C. Section 2925.14 provides that no person shall knowingly use, possess with purpose to use, sell, manufacture or advertise drug paraphernalia. Depending upon the facts, the penalty is imprisonment up to 6 months and fines up to \$1,000.
- O.R.C. Section 2925.31 provides, except for lawful research, clinical, medical, dental, or veterinary purposes, no person with intent to induce intoxication or similar effect, shall obtain, possess, or use a harmful intoxicant. The penalty is fines up to \$1,000 and 6 months in jail, plus driver's license suspension for a period of six months to five years.
- O.R.C. Section 2925.37 provides that no person shall knowingly possess, make, sell, or deliver counterfeit controlled substances. Depending upon the facts, the penalty can be up to 180 days in jail and a \$1,000 fine, and result in a driver's license suspension for a period of six months to five years. Aggravating circumstances can also cause the offense to become a felony of the fourth degree with prison terms between 6-18 months and a fine up to \$5,000.

Local Law

The cities of Toledo and Youngstown enforce all of the state criminal statutes cited above and may provide for additional sanctions for illegal alcohol and drug use.

Health Risks Associated with the Abuse of Alcohol and Illicit Drugs

Alcohol

- Alcohol consumption causes several marked changes in behavior. Even low doses significantly impair the judgment 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:

- **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.
- **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.
- **Stimulants:** Use of stimulants, such as cocaine, methamphetamine 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.
- **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.
- **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: Drug Enforcement Administration

For more detailed information on individual substances, please see: <https://www.dea.gov/factsheets>

Resources for Students

Programming for Drug and Alcohol awareness and prevention is offered by [Mercy College Counseling and Wellness Services](#) throughout the academic year. For Mercy College's online alcohol and drug education and prevention programs please visit the following links:

[Alcohol education & prevention program](#)

[Marijuana education & prevention program](#)

Any student who wishes counseling or help with substance abuse should contact [Counseling and Wellness Services](#), the [Vice President of Student Affairs/Dean of Students](#), or Vice President of Academic Affairs/Dean of Faculty, for assistance with referral. Since the College does not currently have professional rehabilitation services, referrals will generally be to outside agencies or programs. The student will be responsible for the cost of the programs if not covered by medical insurance.

Examples of available agencies or programs in the Toledo area include:

- Lutheran Social Services (419) 243-9178
- Comprehensive Addiction Service System (419) 241-8827
- New Concepts (419) 531-5544
- Fresh Attitude, Inc. (419) 244-4081
- Unison Behavioral Health Group (419) 242-9577
- Zepf Center (419) 841-7701
- Rescue Mental Health Services (419) 255-9585
- Racing for Recovery (419) 824-8462

Examples of available agencies in the Youngstown area include:

- The Treatment Center 24-hour line (888) 819-1270
- Meridian Community Care (330) 797-0074
- Ohio Valley Teen Challenge (330) 743-9030
- Alcoholics Anonymous (330) 270-3000

Resources for Employees

Employees who are seeking support or help with substance abuse should contact [LifeMatters Work-Life Services](#) available through Employee Services. LifeMatters services are free and confidential. Call 877-841-1079 to speak with someone anytime or visit mylifematters.com.