

<b>SUPERSEDES:</b> 09/08/2015	<b>SECTION:</b> 500-Academic and Student Affairs
<b>POLICY AND PROCEDURE MANUAL</b>	<b>CODE NO.</b> 502
<b>MERCY COLLEGE OF OHIO, TOLEDO, OHIO</b>	<b>SUBJECT:</b> Drug and Alcohol Abuse/Prevention Policy and Program
<b>Signature on File</b>	<b>DATE ORIGINATED:</b> 7/1/2015
Signature: Dr. Susan Wajert, President	<b>DATE COMMITTEE BOARD APPROVED:</b> 08/16/2021
	<b>DATE BOARD APPROVED:</b> 09/21/2021
	<b>DATE TECHNICAL REVISION:</b> 2/18/2019
	<b>DATE OF NEXT REVIEW:</b> 2024 Sept. 1-30

## **Drug and Alcohol Abuse/Prevention Policy and Program**

### **Purpose**

Mercy College has an ethical and professional duty to students, employees, patients, and to the community to provide an environment that maintains high standards of safety, health, and efficiency. The use, sale, distribution 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, distribution, or possession of alcohol or dangerous drugs as defined by Section 4729.01 of the Ohio Revised Code and United States Code 21, Section 811 and 844.

### **Policy**

1. The use, sale, distribution or possession of controlled substances, alcohol or dangerous drugs, as defined by Section 2925.01 of the Ohio Revised Code during working hours, as part of Mercy's programs and activities, and on clinical assignment or any Mercy organization property is forbidden and are grounds for disciplinary action, up to and 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, distribution or possession of controlled or illegal substances off college property or clinical sites constitutes grounds for dismissal from the College.
3. The use, sale, distribution, or possession of marijuana on Mercy organization property or in Mercy College activities is prohibited. Marijuana remains a controlled substance under federal law, and the College remains bound by federal laws prohibiting marijuana on College property or in its activities. This prohibition extends to all forms of marijuana, including state-authorized prescription medical marijuana. The Drug Free Schools and Communities Act prohibits the use of cannabis on college campuses even if used for medical reasons. For disabilities, Mercy College can determine whether to accommodate and how to accommodate for the use of

cannabis. Because Mercy College offers healthcare and clinical programs, the use of cannabis for any reason may not be permitted based on state and federal regulations, (i.e. Ohio Board of Nursing). Students who wish to request reasonable accommodation for disabilities treated by state-authorized prescription medical marijuana should contact the Office of Accessibility and proceed through the College's disability accommodation process for determining any appropriate accommodations.

4. Law enforcement may be notified of illegal sale, use, distribution 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 has been or is being committed, shall knowingly fail to report such information to law enforcement authorities."
5. 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. Mercy College may also require the student to complete a rehabilitation program.
6. 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.
7. 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.
8. 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.
9. 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.

## **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, and manufacturing of controlled substances. The penalty is mandatory fines up to \$20,000, depending on the offense and drug involved, and mandatory jail sentences ranging from 6 months to 11 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, which may include 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.
- A complete list of Ohio drug prohibitions can be found in [Chapter 2925 of the Ohio Revised Code](#).

### 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.

### **Awareness Program**

Any student who wishes counseling or help with substance abuse should contact the Mental Health Counselor, Assistant Dean of Student Success, Vice President of Student Affairs, or Vice President of Academic Affairs, 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 are:

Arrowhead Behavioral Health	(419) 891-9333
Lutheran Social Services	(419) 243-9178
Fresh Attitude, Inc.	(419) 244-4081
Glenbeigh	(419) 536-4000
Philio New Concepts	(419) 531-5544
Racing for Recovery	(419) 824-8462
Unison Behavioral Health Group	(419) 242-9577
Zepf Center	(419) 841-7701

Examples of available agencies or programs in the Youngstown area are:

Alcoholics Anonymous	(330) 270-3000
Gateway Rehab	(800) 472-1177
Meridian Healthcare	(330) 797-0070
New Day Recovery	(330) 953-3300
Adult & Teen Challenge Ohio Valley	(330) 743- HOPE (4673)

### **Health Risks**

There is a vast array of health risks associated with chronic drug and alcohol use including but not limited to:

- Depression
- Liver and kidney disease
- Psychosis and impaired thinking
- Heart attack
- Seizures
- Strokes
- High blood pressure
- Violent outbursts
- Paranoia
- Anxiety
- Increased risk of birth defects and developmental issues during and after pregnancy.

For more information about the health risks associated with chemical dependency please see [www.drugabuse.gov](http://www.drugabuse.gov).

**Drug and Alcohol Abuse Prevention**

In accordance with FSA requirements from the 1989 Amendments to the Drug-Free Schools and Communities Act of 1986 and 1988 (Public Law 101-226), Mercy College must make a good faith effort on a continuing basis to maintain a drug-free environment for its faculty, staff and students. The Division of Student Affairs at Mercy College of Ohio is responsible for providing campus programming in support of an Alcohol and Drug Free Environment. The Vice President of Student Affairs is responsible for conducting a biennial review of such programming.

**REFERENCING FORM(S):**

502-A Drug and Alcohol Consent Form

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Technical Revision: August 13, 2021

Board Approved: 09/21/2021

Board Committee Approved: 08/16/2021

Reviewed: 7/2021 (*Updated title from Director of Counseling Services to Mental Health Counselor, added Assistant Dean of Student Success, updated list of resources*)

Technical Revision: 02/2019 (*updated list of resources*)

Board Approved: 3/13/2018

Board Committee Approved: 2/27/2018

Reviewed: 11/2017 (*changed admission to enrollment under Purpose, changed to biennial review, commencing with 2017; added biennial review responsibility, referencing form*)

Board Approved: 9/8/2015

Board Committee Approved: 8/25/15