



MercyCollege

of Ohio

Mercy College of Ohio

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 76 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

Effective March 18, 1989, the federal government enacted the “Drug-Free Workplace” Act. This act requires that any entity which receives a federal grant must certify that it will maintain a drug-free workplace. This act also requires that a policy is published notifying the employees that the unlawful manufacture, distribution, possession, or use of controlled substances is prohibited in the workplace and that certain actions must be taken if this policy is broken.

Mercy is committed to providing a working environment free from the use of drugs and alcohol. *Mercy* considers the abuse of drugs and/or alcohol on the job to be unsafe and counterproductive. The intent of this policy is to promote a safe, healthy working environment for all employees so that in turn, they will be able to provide the best care for their patients. All employees must abide by the terms of this policy if continued employment with *Mercy* is desired.

Policy

All employees are prohibited from selling, manufacturing, distributing, soliciting, purchasing, using, possessing or reporting to work with the presence of intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana, or other controlled substances in their body. The sale, distribution, purchase, use or possession of equipment, products, and materials which are used, intended for use, or designed for use with non-prescribed controlled substances is also prohibited whether on or off the job.

Reporting to or being at work with a measurable quantity of intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana or other non-prescribed controlled substance in the blood or urine is a violation of this policy.

Reporting to or being at work with prescribed narcotics in the body is also prohibited where, in the opinion of *Mercy*, such use prevents an employee from performing his or her duties or poses a risk to the safety of the employee, other persons or property.

Procedure

Mercy has implemented procedures which provide for drug and alcohol testing under the following circumstances:

- A. Pre-employment Drug Testing for All Qualified Applicants.
- B. Reasonable Suspicion Testing
- C. Follow-up Testing
- D. Post Automobile Accident testing where required by federal and state guidelines.

If an employee tests positive, Policy, MHP-HR-1505.0, Fitness for Duty, shall be activated including referral to the Employee Assistance Program (EAP) where appropriate. *Mercy* considers adherence to the Fitness for Duty policy essential and, therefore, a condition of employment. The employee may be subject to disciplinary action up to and including termination.

Mercy has the right, where there is reasonable cause to believe or reasonable suspicion to conclude that contraband may be present, to search employee's property including lunch boxes, purses, lockers, automobiles, etc. on company property or job sites without prior warning. Any employee refusing to submit to such a search will be subject to disciplinary action, including discharge.

Employees must inform *Mercy* in writing within five (5) days of any drug conviction for violation of a state or federal drug statute if the violation occurred in the workplace. Within ten (10) days of receiving notice that one of its employees has been convicted for a violation of a state or federal drug statute occurring in the workplace, *Mercy* must notify the appropriate federal granting or contracting agency.

This policy does not prevent *Mercy* from disciplining an employee for any violation of its rules and regulations, which may occur regardless of whether it is in connection with alcohol and/or drug use or abuse. Nothing in this policy alters the fact that all employees are employed for an indefinite period and that such employment may be terminated with or without cause or notice at the will of either the employee or *Mercy*.

The use of alcoholic beverages by employees may take place at an approved *Mercy* function. However, the authorization of alcoholic beverages at such functions DOES NOT relieve employees from the responsibility of exercising moderation and judgment so as not to represent a danger to themselves, other employees, the general public or *Mercy*'s reputation.

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.