

Drug-Free Campus Policy

Shippensburg University supports the State System of Higher Education's Drug-Free Workplace policy as stated below:

"As required by the federal "Drug-Free Workplace Act of 1988," the State System of Higher Education, Commonwealth of Pennsylvania, hereby declares as its policy that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited at any workplace under the authority of the Board of Governors. Any employee violating the policy will be referred to the Commonwealth's employee assistance program and/or disciplined, in an appropriate manner, up to and including termination. Discipline, when appropriate, shall be taken under relevant provisions of collective bargaining agreements, Civil Service Policy, or other personnel policies adopted by the Board of Governors."

In addition to the above, the university's policy is amended consistent with the Drug-Free Schools and Communities Act Amendments of 1989 to include students and the unlawful possession, use, or distribution of alcohol. Violators will be subject to the panoply of legal sanctions.

In support of this policy, Shippensburg University will inform its employees and students of: The dangers of the use of illicit drugs and the abuse of alcohol; the university's policy for maintaining a drug-free campus; the availability of employee counseling and rehabilitation services and assistance programs; and the penalties that may be imposed for violations of the university's policy. The university will also notify granting or contracting agencies that if an employee assisting with that grant or contract has had a drug or alcohol related conviction, the university will require such employee to participate in a substance abuse assistance or rehabilitation program or it could impose other appropriate sanctions.

Employees in need of counseling or rehabilitation services are encouraged to contact the State Employee Assistance Program via the human resources office. Students in need of counseling and rehabilitation services are encouraged to contact the dean of students office.

Legal sanctions under local, state, federal law for unlawful possession, use or distribution of illicit drugs and alcohol include: Shippensburg Borough Ordinance #485 of February 20, 1979; Commonwealth of PA, Controlled Substance, Drug, Device, and Cosmetic Act #64 of April 14, 1972; PA Criminal Code, Sections 6307-6308; and 21 U.S. Code 811, 844, 853, 881; U.S. Code 922. In addition, Shippensburg University students are required to abide by the Student Code of Conduct in SWATANEY.

The use of drugs and alcohol frequently creates legal and health problems, conflicts at home, and accidents on and off the job. The work habits of users can create unpleasant and dangerous situations for fellow employees, as well as for themselves. Additional information concerning health risks and legal sanctions is available in the dean of students office, the human resources office, and the academic deans' offices.

Approved by President's Cabinet July 24, 1989
as amended November 15, 1999.



Shippensburg
University

*A proud member of the Pennsylvania
State System of Higher Education*

Shippensburg University of Pennsylvania, in compliance with federal and state laws and university policy, is committed to human understanding and provides equal educational, employment, and economic opportunities for all persons without regard to race, color, sex, age, creed, national origin, religion, veteran status, or disability. Direct requests for disability accommodations and other inquiries to the Office of Social Equity, Old Main 200, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299, (717) 477-1161.

To all members of the university community:

The Drug-Free School and Communities Act Amendment (Public Law 101-226) requires that all institutions of higher education certify that they have adopted or implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by both its students and employees. This requirement must be met in order to receive financial assistance under any federal program, including financial aid.

This document was prepared to share important information with employees and students about the use and abuse of illicit drugs and alcohol. It includes the university's standards of conduct related to drugs and alcohol and the applicable legal sanctions under local, state, or federal law. It also includes health risks associated with the use and abuse of drugs and alcohol and the counseling, treatment, rehabilitation, and reentry programs available to employees and students.

We will cooperate with the local, state, and federal agencies in the enforcement of the law and will provide the information and services necessary to assist our employees and students in this serious matter.

Sincerely,

Anthony F. Ceddia,

President

Uses and Effects

The chart on the back panel provides information about the uses and effects of controlled substances. It does not include the effects of alcohol.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair 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 deaths 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 cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and damage to vital organs such as the brain and 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.

University Sanctions

The “Shippensburg University Student Code of Conduct and Judicial Process,” as published in the student handbook, the Swataney, outlines the rules for students pertaining to alcohol and other drugs. Students are also subject to the provisions of the “Judicial Sanctioning Guidelines for Violations of Drug and Alcohol Policies” as published within the Swataney.

Employees in violation of the Drug-free Workplace Policy may be required to contact the State Employee Assistance Program and comply with SEAP recommendations as a condition of continued employment. Employees are also subject to corrective action up to and including termination of employment as provided in Commonwealth of PA Personnel Rules, M. D. 505.7; Section 7.173 of the Pennsylvania Code, Governor’s Code of Conduct; and SSHE and University policy, as applicable.

Local Sanctions

Shippensburg Borough Ordinance #485-
Public consumption, possession of alco-

holic beverage: Penalty of \$25 fine and costs, or a maximum of five days in jail.

Employee & Student Services

Employees in need of counseling or rehabilitation services should contact the State Employee Assistance Program via the Shippensburg University human resources office. Students in need of counseling or rehabilitation services are encouraged to contact the dean of students office.

Students seeking counseling, treatment, rehabilitation, or reentry services should contact the coordinator of drug and alcohol education programs at extension 1165. The coordinator will provide confidential information and consultation regarding alcohol or drug problems, campus resources, and self-help organization such as AA, ACOA, ALANON, NA. For those who require it, referrals can be made for inpatient drug and alcohol treatment off campus. Individuals who undergo treatment will be expected to follow the prescribed aftercare program.

Requirements and Penalties

The Office of Financial Aid is compelled by the federal government to ensure that students who qualify for Pell Grants certify that they will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the period covered by the grant. The university must provide a similar statement with each grant or contract application submitted to a federal agency for funding. Individuals who do not make such a certification, and those who violate its terms, will lose federal funds.

Educators are Affected

Shippensburg University students who intend to become educators need to be aware that Pennsylvania House Bill 1139 requires prospective employees of public and private schools, intermediate units, and area vocational and technical schools submit, with their employment applications, a report of criminal history information from the Pennsylvania State Police or a statement from the State Police that the central repository contains no such information relating to them.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844 (a)

First conviction: up to one year in prison and fined \$1,000 to \$100,000, or both.

After one prior drug conviction: 15 days to two years in prison, and fined \$2,500 to \$250,000, or both.

After two or more prior drug convictions: 90 days to 3 years in prison and fined \$5,000 to \$250,000 or both.

Special sentencing provision for possession of crack cocaine:

Mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000 or both if:

- first conviction and amount of crack possessed exceeds 5 grams
- second crack conviction and amount of crack possessed exceeds 3 grams
- third or subsequent crack conviction and amount of crack possessed exceeds 1 gram.

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

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 provision for crack.)

21 U.S.C. 881 (a) (4)

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

21 U.S.C. 844 a

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853 a

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922 (g)

Ineligible 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.

Note: These are only federal penalties and sanctions. Additional state penalties and sanctions may apply.

State Alcohol & Other Drug Violations & Penalties

Offense	Penalty	Fine	Jail/Prison
Alcohol Sanctions			
Misrepresentation of age to secure liquor or malt or brewed beverages	First Offense Second offense Misdemeanor	up to \$300 up to \$4,500 <i>Operator's license suspended</i>	30 days jail
Purchase, consumption, possession, or transportation of liquor or malt or brewed beverages	First Offense Second Offense	up to \$300 up to \$500 <i>Operator's license suspended</i>	30 days jail
Representing that minor is of age	Misdemeanor	NLT * \$300	
Inducement of minors to buy liquor or malt or brewed beverages	Misdemeanor	NLT \$300	
Selling or furnishing liquor or malt or brewed beverages to minors	First Violation Misdemeanor Subsequent Viol.	NLT \$1,000 \$2,500 for each	
Manufacture or sale of false identification cards	First Violations Misdemeanor Subsequent Viol.	NLT \$1,000 NLT \$2500 for each	
Carrying a false I.D. card	First Violation	up to \$300	30 days
	Summary offense		
	Subsequent viol. Misdemeanor	up to \$500 <i>Operator's license suspended</i>	jail
Restrictions on alcoholic beverages			
The driver of any vehicle may not consume any alcoholic beverage or or illegal drug	Summary Offense	up to \$300 <i>Operator's license suspended</i>	up to 30 days
	Operator's license suspensions:		
	First Offense Second Offense Third & Subsequen Offenses		90 days 1 year 2 years
Driving under the influence of alcohol or controlled substance	Misdemeanor	NLT \$300	NLT 48 hours
	Second		NLT 30 days
	Third		NLT 90 days
	Fourth		NLT 1 year
Homicide by vehicle while driving under the influence	Felony	fine <i>Revocation of operating privileges</i>	NLT 3 years
Other violations include bringing alcoholic beverages into the state without paying Pennsylvania taxes, and selling or offering for sale alcoholic beverages without a liquor license. Violations of these laws can result in fines, imprisonment, and confiscation of vehicles.			
*NLT means not less than			
Illicit Drug Sanctions			
Possession of controlled or counterfeit substance	Misdemeanor	up to \$5,000	up to 1 year
Purchase of controlled substance	Misdemeanor	up to \$5,000	up to 3 years
Manufacture, delivery, or possession by an unauthorized person			
<i>Narcotic drugs</i>	Felony	up to \$250,000	up to 15 years
<i>Methamphetamine—cocoa leaves, marijuana (in excess of 1,000 pounds)</i>	Felony	up to \$100,000	up to 10 years
<i>Opiates—hallucinogenic substances, marijuana</i>	Felony	up to \$15,000	up to 5 years
<i>Barbiturates</i>	Felony	up to \$10,000	up to 3 years
<i>Codeine, morphine, atropine</i>	Misdemeanor	up to \$5,000	up to 1 year
Possession of a small amount of marijuana for personal use (30 gms marijuana or 8 gms hashish)	Misdemeanor	up to \$500	up to 30 days
Use or delivery of drug paraphernalia	Misdemeanor	up to \$25	up to 1 year
Possession or distribution of "look alike drugs" having depressing or stimulating effect	Felony	up to \$10,000	up to 5 years
Manufacture, sale, or delivery, holding, offering for sale, or possession of any controlled substance that is altered or misbranded	Misdemeanor	up to \$5,000	up to 1 year
Trafficking drugs to minors within 1,000 feet of a school, college, or university.	At least 1 year confinement, 2 years imprisonment		

Penalties under the Controlled Substance Act (CSA) Federal Trafficking Penalties

AS of November 18, 1988

CSA	PENALTY		Quantity	DRUG	Quantity	PENALTY	
	2nd Offense	1st Offense				1st Offense	2nd Offense
I and II	Not less than 10 years. Not more than life.	Not less than 5 years. Not more than 40 years.	10-99 gm or 100-999 gm mixture	METHAMPHETAMINE	100 gm or more or 1 kg* or more mixture	Not less than 10 years. Not more than life.	Not less than 20 years. Not more than life.
			100-999 gm mixture	HEROIN	1 kg or more mixture		
			500-4,999 gm mixture	COCAINE	5 kg or more mixture		
	If death or serious injury, not less than life.	If death or serious injury, not less than 20 years. Not more than life.	5-49 gm mixture	COCAINE BASE	50 gm or more mixture	If death or serious injury, not less than 20 years. Not more than life.	If death or serious injury, not less than life.
			10-99 gm or 100-999 gm mixture	PCP	100 gm or more or 1 kg* or more mixture		
	Fine of not more than \$4 million individual, \$10 million other than individual.	Fine of not more than \$2 million individual, \$5 million other than individual.	1-10 gm mixture	LSA	10 gm or more mixture	Fine of not more than \$4 million individual, \$10 million other than individual.	Fine of not more than \$8 million individual, \$20 million other than individual.
			40-399 gm mixture	FENTANYL	400 gm or more mixture		
10-99 gm mixture			FENTANYL ANALOGUE	100 gm or more mixture			
Drug	Quantity	First Offense		Second Offense			
Others ²	Any	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million not individual.		Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million not individual.			
III	All	Any	Not more than 5 years. Fine not more than \$250,000 individual, \$1 million not individual.		Not more than 10 years. Fine not more than \$500,000 individual, \$2 million not individual.		
IV	All	Any	Not more than 3 years. Fine not more than \$250,000 individual, \$1 million not individual.		Not more than 6 years. Fine not more than \$500,000 individual, \$2 million not individual.		
V	All	Any	Not more than 1 year. Fine not more than \$100,000 individual, \$250,000 not individual.		Not more than 2 years. Fine not more than \$200,000 individual, \$500,000 not individual.		

¹Law as originally enacted states 100 gm. Congress requested to make technical correction to 1 kg. ²Does not include marijuana, hashish, or hash oil. (See separate chart.)

Federal Trafficking Penalties—Marijuana

As of November 18, 1988

Quantity	Description	First Offense	Second Offense
1,000 kg or more; or 1,000 or more plants	Marijuana Mixture containing detectable quantity*	Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	Not less than 20 years, not more than life. If death or serious injury, not less than life. Fine not more than \$8 million individual, \$20 million other than individual.
100 kg to 1,000 kg; or 100-999 plants	Marijuana Mixture containing detectable quantity*	Not less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$2 million individual, \$5 million other than individual.	Not less than 10 years, not more than life. If death or serious injury, not less than life. Fine not more than \$4 million individual, \$10 million other than individual.
50 to 100 kg	Marijuana	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.
10 to 100 kg	Hashish		
1 to 100 kg	Hashish Oil		
50-99 plants	Marijuana	Not more than 5 years. Fine not more than \$250,000, \$1 million other than individual.	Not more than 10 years. Fine \$500,000 individual, \$2 million other than individual.
Less than 50 kg	Marijuana		
Less than 10 kg	Hashish		
Less than 1 kg	Hashish Oil		

(Marijuana is a Schedule I Controlled Substance)

*Includes Hashish and Hashish Oil

The Controlled Substance Act (CSA) provides for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are basically determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana. As the statute has been amended since its initial passage in 1970, the penalties have been altered by Congress. The above charts are an overview of the penalties for trafficking or unlawful distribution of controlled substances. This is not inclusive of the penalties provided under the CSA.

Students who intend to become educators should be aware that state law requires that a report of their criminal history be submitted with their job applications.