Drug Abuse and Alcohol Prevention Program (DAAPP)

2017-2018
Calvin College’s Statement on Drug Free Schools and Community Act

Under federal legislation entitled the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, “unless it has adopted and implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. The Act requires the annual distribution of the following information to students and employees:

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
- A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students;
- A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, state, and federal law) and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct enumerated in the DAAPP.

Calvin College Alcohol Policy for Students

Calvin College is committed to the intellectual and personal development and Christian discipleship of all students. Alcohol misuse inhibits students' development and is negatively correlated with academic success and personal safety. The vitality of the academic community relies on each member taking personal responsibility for his or her actions regarding alcohol use and for safeguarding the well-being of others.

Calvin College welcomes and supports the decision of any student not to consume alcohol. Calvin College seeks to emphasize education about the choices, risks, and personal responsibility regarding the use of alcohol. Students are expected to make conscious choices that do not diminish Christian community or impact one’s academic pursuit and do not risk the personal safety of community members.

Calvin College expects students to observe state laws regarding alcohol use, particularly those that address underage drinking, and the college holds students accountable for their choices regarding alcohol.

Students may not possess alcoholic beverages or empty alcohol containers on campus, on college property, in personal vehicles, or in on-campus student living areas. Students present in a residence hall room, in an on-campus apartment, or an off-campus setting where alcohol is present and/or being consumed may face disciplinary action for complicity with an alcohol violation.

Calvin students who are 21 or older are free to make a decision whether or not to consume alcohol. These students are expected to consume alcohol responsibly and to honor the biblical expectations of
moderation. Calvin students are expected to observe scriptural instructions which caution against intoxication. Intoxication can occur when consuming alcoholic beverages and also with a variety of other intoxicants, some of which are legal and some of which are not.

Students whose drinking creates a risk of danger to the health and safety of themselves or others are subject to disciplinary action.

Students who host off campus gatherings are responsible for ensuring the safety, well-being and conduct of their guests, whether the guests are invited or uninvited. Hosts are responsible to ensure that all guests consume alcohol according to the state of Michigan provisions and according to the biblical standard of moderation. Hosts are also responsible to ensure that guests do not use illegal drugs or engage in criminal sexual behavior while attending an event at their home.

Prohibited Conduct

Violations of the Alcohol Policy with Definitions.

a. Possession of Alcohol or empty alcohol containers on campus.
   Definition: Students (regardless of age) are prohibited from possessing or consuming alcohol or possessing empty alcohol containers anywhere on the Calvin College campus. Alcohol and empty alcohol containers are not allowed in personal vehicles parked on campus.

b. Underage Possession and/or Consumption of Alcohol
   Definition: Possession and/or consumption of alcoholic beverages by any student under 21 years of age.

c. Complicity in an Alcohol Violation
   Definition: A student who is present and fails to intervene in a situation where another student(s) violate(s) the Calvin College drug or alcohol policy.

d. Under the Influence of Alcoholic Beverages/Intoxication
   Definition: A person who, having consumed alcoholic beverages, exhibits signs of intoxication and/or experiences any loss of the normal use of his/her mental and/or physical faculties. Examples include but are not limited to: slurred speech, vomiting, stumbling or needing assistance to walk, loss of motor coordination, aggression, brief loss of memory, or abusive behavior.

e. Extreme Alcohol Intoxication
   Definition: A person who, having consumed alcoholic beverages, exhibits signs of significant and/or dangerous intoxication. Examples include but are not limited to: blacked out, loss of consciousness or limited responsiveness, no withdrawal from painful stimuli, loss of bladder/bowel functions, excessive vomiting, or severe physical depression (slow or shallow breathing, pale or blue-tinged skin, or reduced heart rate).

f. Misuse of Alcohol: Rapid Consumption of Alcohol, Binge drinking or Actions that May Endanger the Well-being of Self or Others
   Definition: Any form of rapid consumption of alcohol or participation in drinking games which lead to overconsumption and/or intoxication, alcohol consumption which may create a risk of danger to self, or others. Examples include but not limited to: bongs, shots, keg stands, beer pong, flip cup, etc.
g. **Provision and/or Distribution of Alcohol to Students Under 21 Years of Age**  
   **Definition:** Purchasing for, providing to or distributing alcohol to any individual under 21 years of age.

h. **Irresponsible Hosting of Alcohol Event**  
   **Definition:** Irresponsible hosting occurs when students have gatherings where underage guests (invited and uninvited) are consuming alcohol, where any persons are misusing alcohol or consuming alcohol to the point of intoxication, where persons are using illegal or prohibited drugs, where excessive amounts of alcohol are present and/or alcohol is being misused as defined in items #4 and #5 above.

i. **Alcohol-related vehicular violations**  
   **Definition:** Any operation of a motor vehicle during or following consumption of alcohol that creates a risk of danger to self, others or the college or wider community.

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**Calvin College Drug Policy for Students**

Calvin College is committed to the intellectual and personal development and Christian discipleship of all students. Substance use/misuse may inhibit students' development and is negatively correlated with academic success and personal safety. Sale or distribution of prohibited, illegal or controlled substances or drug use not as intended undermines individual student’s academic performance and can diminish one’s experience of Christian community.

Calvin College observes and strictly enforces all local, state, and federal laws related to possession, use, sale or distribution of controlled or illegal substances.

Calvin College drug policies prohibit the unlawful use, possession, purchase, distribution, sale or manufacture of a controlled substance (including marijuana), and of designer drugs.

Calvin College has a zero tolerance policy regarding college prohibited and illegal drug use.

Students who are found responsible for violations of college drug policies are subject to automatic suspension from the college. The zero tolerance policy is communicated openly during Freshman Orientation and during mandatory student meetings.

Calvin College does not recognize medical marijuana as an exception to its drug policies. Students are expected to contact a Student Life dean to discuss possible exceptions in medical situations in advance of any marijuana use.

Calvin College drug policy prohibits the possession of drug paraphernalia, including but not limited to roach clips, bongs, hookahs, blow tubes, papers, scales or any material or apparatus containing drug residue.

Individuals who are involved in any drug-related violation may be subject to criminal action, as the college may report these individuals to the legal authorities. Students who are convicted of any criminal offense involving the possession or sale of a controlled substance risk continued eligibility to receive Financial Aid.

Students are accountable for upholding Calvin College drug policies even when traveling to states or countries in which certain drugs have been decriminalized. Though some impairing substances may be
legal to purchase in some states, Calvin College prohibits the possession and/or use of these substances by its students. Students are responsible for knowing, understanding and observing Calvin College’s drug policies.

Prohibited Conduct

Violations of the Drug Policy and Definitions.

a. **Use or Possession of Prohibited, Controlled, or Illegal Substances.**
   **Definition:** Possession or use of a prohibited, controlled, or illegal substances or use of (or intent to use) substances for purposes or in manner not as directed. Examples include but are not limited to: possession or use of illegal substances; possession or use of prescription drugs without a valid/current medical prescription; use of prescribed medication not as directed (over-use, snorting prescribed medication, etc.); huffing, snorting, smoking or otherwise possessing or using legal substances not as intended. Substances such as JWH-018 (K2, “Spice”), salvia and pyrovalerone derivatives (found in substances marketed as “bath salts”) are not intended for human consumption and are prohibited for possession or use by any Calvin College student.

b. **Distribution or Sale of Prohibited, Controlled or Illegal Substances**
   **Definition:** Any sale or distribution (including distribution without financial gain) of controlled or illegal substances or any substances prohibited by Calvin College drug policy. Sharing prescription medicine would be a violation of this policy.

c. **Possession of Drug Paraphernalia**
   **Definition:** Possession and/or use of drug paraphernalia, including, but not limited to, roach clips, bongs, hookahs, blow tubes, papers, scales or any material or apparatus containing drug residue.

d. **Complicity in Drug Use, Possession or Sale**
   **Definition:** Being in the presence of or aiding and abetting the possession, sale or use of prohibited, controlled or illegal substances.

<table>
<thead>
<tr>
<th>POSSIBLE SANCTIONS FOR STUDENTS</th>
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<tr>
<td><strong>Drug Violations</strong></td>
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<tr>
<td>Admonition, Warning, Warning Status, Personal Probation, Loss of Privileges, Fines (up to $500), Restitution, Restoration, Community Service, Athletic director notification and possible loss of athletic participation; Parent/Guardian Notification, Mandated intervention referrals. Mandatory educational sanctions, Disciplinary Sanctions, Ban from Campus, Disciplinary Probation, Suspension from Campus Housing, Disciplinary Suspension, College Expulsion, and/or Provisional Suspension.</td>
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**Readmission Policy**

Calvin College develops return criteria for students who leave college due to drug and/or alcohol policy violations. The return criteria are developed on a case by case basis. Students are encouraged to participate in an intervention that addresses the issues which caused them to leave the college.

Generally, students are eligible to reapply to Calvin College one calendar year after they are dismissed. If a student applies for readmission, the student provides a summary of their activities and outcomes.

The Dean for Student Conduct or his/her designee will review the request and make a decision based on the information provided by the student and by the professionals involved in the intervention. Students requesting readmission may be asked to undergo a hair test through the Calvin contracted laboratory to demonstrate that they are drug free.

**Employee Substance Abuse Policy for Alcohol and Drugs**

Calvin College has a vital interest in maintaining a safe, healthful and efficient workplace for its employees. Being under the influence of illegal drugs or alcohol on the job may pose serious safety and health risks not only to the user but also to all those who work with the user.

Calvin College maintains the right to require pre-employment screening to prevent hiring individuals who use illegal drugs or individuals whose use of alcohol would impair or cause unsafe job performance.

Employees who are convicted of any workplace related criminal drug activity are required to inform Calvin of such conviction with five days of their conviction. Notification must be made to the Director of Human Resources. Calvin will be required to notify Federal contracting officers or Federal granting officers within ten days of receiving notification of an employee’s criminal drug conviction under the provisions of the Drug Free Workplace Act of 1988.

If there is a violation of policy by faculty members, the misconduct processes set forth in the *Handbook for Teaching Faculty* regarding misconduct will be followed. For all other employees, Human Resources will consider whether any disciplinary sanctions should be imposed and if so what they should be.

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| **Alcohol Violations** | Verbal Warning, Written Reprimand, Disqualification from Privileges, *Suspension, Dismissal |
| *Suspension may be paid or unpaid, based on the nature of the infraction. Requirements for reinstatement vary depending on the specific case. |

<p>| POSSIBLE SANCTIONS FOR STAFF |</p>
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<th>Verbal Warning, Written Warning, Suspension without Pay, Demotion, Discharge/Termination</th>
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<td>Verbal Warning, Written Warning, Suspension without Pay, Demotion, Discharge/Termination</td>
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The college may require a blood test, urinalysis or other drug/alcohol screening of those persons suspected of using or being under the influence of a drug or alcohol or where circumstances or workplace conditions justify it. An employee’s consent to submit such a test is required as a condition of continued employment. Searches of employees and their personal property may be conducted where there is reasonable suspicion to believe that the employee or employees are in violation of this policy or when circumstances or workplace conditions justify the search in the opinion of Calvin College. An employee’s consent to a search is required as a condition of continued employment and the employee’s refusal to consent may result in disciplinary action, including termination, even for a first refusal. The college may conduct unannounced searches for illegal drugs or alcohol anywhere in Calvin facilities or vehicles or on Calvin property. Employees are expected to cooperate in the conduct of such searches which may be conducted at any time and do not have to be based on reasonable suspicion.

Calvin College maintains a short term employee assistance program through the J. Broene Center for Counseling and Wellness. Upon referral from the Department of Human Resources help will be given to employees who have need of assistance for alcohol or illegal drug abuse. It is, however, the responsibility of each employee to seek assistance before alcohol and drug problems lead to a disciplinary offense.

**Health Risks Associated with Alcohol Use**

**Short-Term Health Risks**

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

**Long-Term Health Risks**

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence, or alcoholism

By not drinking too much, one can reduce the risk of these short- and long-term health risks.

**Health Risks Associated with Drug Use**

- Nicotine is an addictive stimulant found in cigarettes and other forms of tobacco. Tobacco smoke increases a user’s risk of cancer, emphysema, bronchial disorders, and cardiovascular disease. The mortality rate associated with tobacco addiction is staggering. Tobacco use killed approximately 100 million people during the 20th century, and, if current smoking trends continue, the cumulative death toll for this century has been projected to reach 1 billion.

- Marijuana is the most commonly abused illegal substance. This drug impairs short-term memory and learning, the ability to focus attention, and coordination. It also increases heart rate, can harm the lungs, and can increase the risk of psychosis in those with an underlying vulnerability.

- Prescription medications, including opioid pain relievers (such as OxyContin® and Vicodin®), anti-anxiety sedatives (such as Valium® and Xanax®), and ADHD stimulants (such as Adderall® and Ritalin®), are commonly misused to self-treat for medical problems or abused for purposes of getting high or (especially with stimulants) improving performance. However, misuse or abuse of these drugs (that is, taking them other than exactly as instructed by a doctor and for the purposes prescribed) can lead to addiction and even, in some cases, death. Opioid pain relievers, for instance, are frequently abused by being crushed and injected or snorted, greatly raising the risk of addiction and overdose. Unfortunately, there is a common misperception that because medications are prescribed by physicians, they are safe even when used illegally or by another person than they were prescribed for.

- Inhalants are volatile substances found in many household products, such as oven cleaners, gasoline, spray paints, and other aerosols, that induce mind-altering effects; they are frequently the first drugs tried by children or young teens. Inhalants are extremely toxic and can damage the heart, kidneys, lungs, and brain. Even a healthy person can suffer heart failure and death within minutes of a single session of prolonged sniffing of an inhalant.

- Cocaine is a short-acting stimulant, which can lead users to take the drug many times in a single session (known as a “binge”). Cocaine use can lead to severe medical consequences related to the heart and the respiratory, nervous, and digestive systems.

- Amphetamines, including methamphetamine, are powerful stimulants that can produce feelings of euphoria and alertness. Methamphetamine’s effects are particularly long-lasting and harmful to the brain. Amphetamines can cause high body temperature and can lead to serious heart problems and seizures.

- MDMA (Ecstasy or "Molly") produces both stimulant and mind-altering effects. It can increase body temperature, heart rate, blood pressure, and heart-wall stress. MDMA may also be toxic to nerve cells.
LSD is one of the most potent hallucinogenic, or perception-altering, drugs. Its effects are unpredictable, and abusers may see vivid colors and images, hear sounds, and feel sensations that seem real but do not exist. Users also may have traumatic experiences and emotions that can last for many hours.

Heroin is a powerful opioid drug that produces euphoria and feelings of relaxation. It slows respiration, and its use is linked to an increased risk of serious infectious diseases, especially when taken intravenously. People who become addicted to opioid pain relievers sometimes switch to heroin instead, because it produces similar effects and may be cheaper or easier to obtain.

Steroids, which can also be prescribed for certain medical conditions, are abused to increase muscle mass and to improve athletic performance or physical appearance. Serious consequences of abuse can include severe acne, heart disease, liver problems, stroke, infectious diseases, depression, and suicide.

Drug combinations. A particularly dangerous and common practice is the combining of two or more drugs. The practice ranges from the co-administration of legal drugs, like alcohol and nicotine, to the dangerous mixing of prescription drugs, to the deadly combination of heroin or cocaine with fentanyl (an opioid pain medication). Whatever the context, it is critical to realize that because of drug–drug interactions, such practices often pose significantly higher risks than the already harmful individual drugs.

The Drug-Free Schools and Communities Act Amendments of 1989 require that Calvin College, as a recipient of federal funds, including federally-provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of alcohol and illicit drugs on college property is prohibited and that campus and community drug programs are available. This Act and the provisions Calvin College has taken to conform to the Act can be found in the Calvin College Student Handbook https://calvin.edu/directory/policies/student-conduct-code and the Calvin College Faculty Handbook in section 6.6 https://calvin.edu/contentAsset/raw-data/225e6a56-bd6a-49a6-b7c9-a0992dc57399/fullTextPdf

Resources are made available to members of the Calvin community on the topics of drug and alcohol abuse. These resources can be obtained through the Student Life Office, Residence Life Office, Broene Center for Counseling and Wellness and Health Services. The Office of Student Conduct provides additional resources regarding drug abuse and alcohol use at http://www.calvin.edu/judicial/drug-info-resources.html.

Students who are caught with alcohol participate in an alcohol education module Crossroads through the Office of Student Conduct or they participate in a Broene sponsored group called Taking Control. Information on Drug and Alcohol Abuse Education may also be obtained through the National Clearinghouse for Alcohol and Drug Information at 1-800-729-6686.

Local Resources for Substance Abuse Treatment
Westbrook Recovery Center
3210 Eagle Run Drive NE #200
Grand Rapids, MI 49525
(616)957-1200
Toll Free: (866)964-7280
Call: 24 Hours a Day 7 Days a Week
Office Hours: Monday–Friday 8 a.m.–5 p.m.
www.westbrookrecovery.com/

Pine Rest Christian Mental Health Services
300 68th Street SE
Grand Rapids, MI 49512
(866)852-4001
www.pinerest.org/drug-addiction-treatment-center

Wedgewood Christian Services
3300 36th Street SE
Grand Rapids, MI, 49512
(616)942-2110
http://www.wedgwood.org/

Alcohol Screening Assessment
http://www.rehabs.com/assessments/alcohol-addiction-quiz/

Additional Resources
Addiction Center https://www.addictioncenter.com/ 1-844-359-5766
Al-Anon Family Group Headquarters https://al-anon.org/ 1-757-563-1600
Self-Assessment Quizzes are available on their website
Substance Abuse and Mental Health Services Administration 1-877-726-4727
National Council on Alcoholism and Drug Dependence 1-800-NCA-CALL
National Center on Drug Abuse Hotline 1-800-662-HELP
Help Crisis Line 616-459-2255
Alcoholics Anonymous 616-913-9216
National Institute on Alcohol Abuse and Alcoholism
Provides general information about Alcoholism
https://www.niaaa.nih.gov/

Legal Risks Associated with Alcohol Use
<table>
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<th>VIOLATION</th>
<th>SUMMARY OF VIOLATION</th>
<th>POSSIBLE PENALTIES</th>
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<tbody>
<tr>
<td>OWI (drunk driving)</td>
<td>A person licensed or not, under the influence of alcohol, drugs, or both, driving in a public place.</td>
<td>First offense: misdemeanor, not more than 93 days in jail, and/or fine of $100-$500, and/or community service not more than 360 hours. As part of sentence, court may order suspension and/or restrictions of operator’s license. Vehicle forfeiture or immobilization may also be required. Up to six points may be added to driver record. If the person has a blood alcohol content of 0.17 grams or more, the person is guilty of a felony punishable by not more than 20 years in prison and/or a fine of $2,500-$10,000.</td>
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<tr>
<td>Permitting person under the influence to drive.</td>
<td>Allowing intoxicated person to drive in area open to the public</td>
<td>Misdemeanor: not more than 93 days in jail, or fine not less than $100 or more than $500, or both; vehicle can be impounded.</td>
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<tr>
<td>Minor possessing or transporting alcohol in motor vehicle.</td>
<td>Person under 21 years of age may not possess or transport alcohol in a vehicle. (Does not apply to transport of alcohol by a minor if a person of at least 21 years of age is present inside the motor vehicle.)</td>
<td>Misdemeanor: fine of not more than $100, and may be ordered to perform community service and undergo substance abuse screening and assessment at own expense; vehicle can be impounded for up to 30 days. License sanctions may also be imposed.</td>
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<tr>
<td>Operating while visibly impaired (OWVI)</td>
<td>A person driving in areas open to public while impaired from alcohol, drugs, or both.</td>
<td>First offense: community service for not more than 360 hours; and/or imprisonment for not more than 93 days; and/or a fine of not more than $300. May be required to immobilize vehicle. Restrictions on driver license may also be imposed.</td>
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<tr>
<td>Operating with any presence of a Schedule I drug (OWPD)</td>
<td>A person driving in areas open to the public with any amount of a schedule I or other designated controlled substance in the body.</td>
<td>One or more of the following: community service for not more than 360 hours; imprisonment for not more than 93 days; or a fine of not less than $100 or</td>
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<tr>
<td>Crime</td>
<td>Description</td>
<td>Punishment</td>
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<tr>
<td>OWI causing death of another person</td>
<td>A person driving under the influence of alcohol or a controlled substance causes the death of another person.</td>
<td>Felony: Imprisonment of not more than 15 years, a fine of $2,500-$10,000, or both. Vehicle may be forfeited or immobilized.</td>
</tr>
<tr>
<td>OWI causing serious impairment</td>
<td>A person driving under the influence of alcohol or a controlled substance causes a serious impairment of a body function of another person.</td>
<td>Felony: Imprisonment for not more than 5 years, a fine of $1,000-$5,000, or both. Vehicle may be forfeited or immobilized.</td>
</tr>
<tr>
<td>Purchase/possession/consumption by minor (MIP)</td>
<td>Person under 21 years of age may not purchase, possess, or consume alcohol.</td>
<td>Misdemeanor: first arrest, a fine of not more than $100, or court-ordered diversion; second arrest, not more than $200, and/or up to 30 days imprisonment if in violation of probation due to preceding violation or for failure to follow court orders regarding preceding violation; third or subsequent violation, fine of not more than $500, and/or up to 60 days imprisonment if in violation of probation due to preceding violation or for failure to follow court orders regarding preceding violation. May be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services. May be ordered to perform community service and undergo substance abuse screening and assessment at own expense. Licensing sanctions may also be imposed. Refusal to take a breathalyzer test is a civil infraction with a $100 fine.</td>
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<tr>
<td>Using false ID to purchase alcohol</td>
<td>A minor shall not use fraudulent identification to purchase alcohol, nor shall another individual furnish fraudulent identification to a minor.</td>
<td>Imprisonment for not more than 93 days, a fine of not more than $100, or both.</td>
</tr>
<tr>
<td>Selling or furnishing alcohol to a minor</td>
<td>Alcohol shall not be sold or furnished to a person under 21 years of age.</td>
<td>First offense: a fine of not more than $200. Second offense: a fine of not more than $500. Third or subsequent offense: imprisonment for not more than 30 days, a fine of not more than $1,000, or both. May be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services. May be ordered to perform community service and undergo substance abuse screening and assessment at own expense. Licensing sanctions may also be imposed.</td>
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Consumption on public highway/open alcohol in vehicle

No alcoholic beverage can be consumed on public highways; no alcohol item can be open, un-capped, or seal broken in passenger area of vehicle.

Misdemeanor: not more than 90 days in jail, a fine of not more than $500, or both. May be ordered to perform community service and undergo substance abuse screening and assessment at own expense. Licensing sanctions may also be imposed.

Disorderly person (intoxicated)

Intoxicated in public place and endangering the safety of another person or of property, or causing a disturbance.

Misdemeanor: not more than 90 days in jail, a fine of not more than $500, or both.

Federal and State Penalties for Drug Sale and Possession

The federal government decides if and how a drug should be controlled. Psychoactive (mind-altering) chemicals are categorized according to Schedule I to V. This schedule designates if the drug must be prescribed by a physician and under what conditions. Factors considered in this categorization include a drug's known and potential medical value, its potential for physical or psychological dependence, and risk, if any, to public health. Penalties for the illegal sale or distribution of a drug are established using the designation of Schedule I to V. The State of Michigan designates controlled substances as Schedule I through V, using similar definitions to those employed by the federal government. The State of Michigan’s schedule designations of individual drugs are similar, but not identical to those of the federal government.

Schedule I drugs have a high potential for abuse, have no currently accepted medical use in the United States, and lack acceptable safety for use under medical supervision. Examples of substances listed in Schedule I include heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxy-methamphetamine (ecstasy). GHB (gamma-hydroxybutyrate) can be a Schedule I or III drug, depending on its form.

Schedule II drugs have a currently accepted medical use in the United States, despite a high potential for abuse that may lead to severe psychological or physical dependence. Examples include opium, morphine, methadone, oxycodone, hydrocodone, codeine, some barbiturates, cocaine, amphetamines, and phencyclidine (PCP).
Federal and State of Michigan penalties for selling Schedule I and II drugs vary with the type and quantity of the drug. Additionally, if death, rape, or serious injury is associated with the use of the drug and/or if it is a second offense, penalties are more severe.

Unless otherwise specified by federal law, the federal penalty for the first offense involving a Schedule I or II controlled substance, GHB, or 1 gram of flunitrazepam (Schedule IV) is imprisonment for not more than 20 years. If death or serious bodily injury results from the use of such substances, the penalty is imprisonment for not less than 20 years or more than life, a fine not to exceed $1 million for an individual, or both. The penalty for other Schedule I or II controlled substances is imprisonment for not more than seven years, a fine of not more than $10,000, or both.

The State of Michigan's penalty for unlawful manufacture, delivery, or possession with intent to deliver less than 50 grams of a Schedule I or II controlled substance is imprisonment for up to 20 years, and/or a fine of up to $25,000. Use of a Schedule I or II controlled substance is a misdemeanor that has a penalty of imprisonment for up to one year, a fine of up to $2,000, or both. Michigan law also provides for up to seven years’ imprisonment and/or a fine of not more than $5,000 for individuals who manufacture, deliver, or possess with intent to manufacture or deliver gamma-butyrolactone (GBL), a compound related to GHB.

For less than 50 kilograms of marijuana, except in the case of 50 or more marijuana plants regardless of weight, 10 kilograms of hashish, or one kilogram of hashish oil, the federal penalty is imprisonment for not more than 5 years, a fine not to exceed $250,000 for an individual, or both. In Michigan, the “unlawful manufacture, delivery, or possession with intent to deliver” of less than 5 kilograms of marijuana or a mixture containing marijuana, or fewer than 20 marijuana plants, is a felony punishable by imprisonment for up to four years, a fine of up to $20,000, or both. Possession of marijuana is a misdemeanor, punishable by imprisonment for up to one year, a fine of not more than $2,000, or both. Use of marijuana is also a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of up to $100, or both.

**Schedule III** drugs have a potential for abuse that is less than Schedule I and II substances, and abuse may lead to moderate or lower physical dependence or high psychological dependence. Examples include certain combination narcotic products such as Vicodin®, and Tylenol with codeine, buprenorphine, ketamine, and anabolic steroids such as oxandrolone.

**Schedule IV** drugs have a low potential for abuse relative to substances in Schedule III. Examples include propoxyphene (Darvon® and Darvocet-N 100®), alprazolam (Xanax®), clonazepam (Klonopin®), diazepam (Valium®), lorazepam (Ativan®), and midazolam (Versed®).

**Schedule V** drugs have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics that are used for antitussive, antidiarrheal, and analgesic purposes, such as Robitussin AC® and Phenergan with codeine.

Except as otherwise provided by federal law, the penalty for first offense sale of a Schedule III drug is imprisonment for not more than ten years, a fine of not more than $500,000 for an individual, or both. The federal penalty for first offense sale of Schedule IV drugs is imprisonment for not more than five years, a fine of not more than $250,000 for an individual, or both. The federal penalty for first offense sale of Schedule V drugs is imprisonment for not more than one year, a fine of not more than $100,000 for an individual, or both.
The State of Michigan’s penalty for unlawful manufacture, delivery, or possession of Schedule III controlled substances is imprisonment for not more than seven years, a fine of not more than $10,000, or both. The penalty for Schedule IV controlled substances is imprisonment for not more than four years, a fine of not more than $2,000, or both. The penalty for Schedule V controlled substances is imprisonment for not more than two years, a fine of not more than $2,000, or both. The penalty for use of lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocin, psilocybin, or a controlled substance classified in Schedule V is imprisonment for not more than six months, a fine of not more than $500, or both. Use of all other Schedule I, II, III, and IV controlled substances is punishable by imprisonment for not more than one year, a fine of not more than $1,000, or both.

Suspension of Financial Aid Eligibility for Drug Related Offenses

Federal law provides that a student who has been convicted of an offense under any federal or state law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified in the following table:

<table>
<thead>
<tr>
<th>If convicted of an offense involving:</th>
<th>Ineligibility Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSSESSION OF A CONTROLLED SUBSTANCE</td>
<td></td>
</tr>
<tr>
<td>First Offense</td>
<td>One Year</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Two Years</td>
</tr>
<tr>
<td>Third Offense</td>
<td>Indefinite</td>
</tr>
<tr>
<td>SALE OF A CONTROLLED SUBSTANCE</td>
<td></td>
</tr>
<tr>
<td>First Offense</td>
<td>Two Years</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Indefinite</td>
</tr>
</tbody>
</table>

A student whose eligibility has been suspended based on a conviction for possession or sale of a controlled substance may resume eligibility before the end of the ineligibility period if:

a. the student satisfactorily completes a drug rehabilitation program that –
   i. complies with the criteria prescribed in the federal regulations; and
   ii. includes two unannounced drug tests; or
b. the conviction is reversed, set aside, or otherwise rendered nugatory.
## Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>Cocaine 500-4999 grams mixture</td>
<td><strong>First Offense:</strong> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>Cocaine Base 280 grams or more mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual.</td>
</tr>
<tr>
<td>II</td>
<td>Cocaine Base 28-279 grams mixture</td>
<td></td>
<td><strong>Second Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Fentanyl 40-399 grams mixture</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>Fentanyl Analogue 100 grams or more mixture</td>
<td><strong>Second Offense:</strong> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td>
</tr>
<tr>
<td>I</td>
<td>Fentanyl Analogue 10-99 grams mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Heroin 100-999 grams mixture</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>LSD 1-9 grams mixture</td>
<td></td>
<td>LSD 10 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Methamphetamine 5-49 grams pure or 50-499 grams mixture</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>Methamphetamine 50 grams or more pure or 500 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>PCP 10-99 grams pure or 100-999 grams mixture</td>
<td><strong>Second Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>PCP 100 grams or more pure or 1 kilogram or more mixture</td>
<td></td>
</tr>
</tbody>
</table>

### Additional Substances

<table>
<thead>
<tr>
<th>Substance/Quantity</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Amount Of Other Schedule I &amp; II Substances</td>
<td><strong>First Offense:</strong> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual. <strong>Second Offense:</strong> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.</td>
</tr>
<tr>
<td>Any Drug Product Containing Gamma Hydroxybutyric Acid 1 Gram or less</td>
<td></td>
</tr>
<tr>
<td>Any Amount Of Other Schedule III Drugs</td>
<td><strong>First Offense:</strong> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual.</td>
</tr>
<tr>
<td>Schedule IV Drugs (other than one gram or more of Flunitrazepam)</td>
<td><strong>Second Offense</strong>: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.</td>
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<td>---</td>
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</tr>
</tbody>
</table>
| Any Amount Of All Schedule V Drugs | **First Offense**: Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual. 
**Second Offense**: Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual. |
| Any Amount Of All Other Schedule IV Drugs | **First Offense**: Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual. 
**Second Offense**: Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual. |

| **Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances** |
| --- | --- |
| **Marijuana** 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants | **First Offense**: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than $10 million if an individual, $50 million if other than an individual. 
**Second Offense**: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $20 million if an individual, $75 million if other than an individual. |
| **Marijuana** 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants | **First Offense**: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than $5 million if an individual, $25 million if other than an individual. 
**Second Offense**: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $8 million if an individual, $50 million if other than an individual. |
| **Marijuana** 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants | **First Offense**: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine $1 million if an individual, $5 million if other than an individual. 
**Second Offense**: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if other than an individual. |
| **Hashish** More than 10 kilograms | **First Offense**: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine $1 million if an individual, $5 million if other than an individual. 
**Second Offense**: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if other than an individual. |
<table>
<thead>
<tr>
<th><strong>Marijuana</strong></th>
<th><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $250,000, $1 million if other than an individual.</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</td>
<td></td>
</tr>
<tr>
<td>1 to 49 marijuana plants</td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. Fine $500,000 if an individual, $2 million if other than individual.</td>
</tr>
<tr>
<td><strong>Hashish</strong></td>
<td></td>
</tr>
<tr>
<td>10 kilograms or less</td>
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<tr>
<td><strong>Hashish Oil</strong></td>
<td></td>
</tr>
<tr>
<td>1 kilogram or less</td>
<td></td>
</tr>
</tbody>
</table>

**Annual Notification of the DAAPP**

**Student Notification**

Notification of the information contained in the DAAPP will be distributed to all currently enrolled students via email on or before October 1st of each year. Additional DAAPP distribution will take place at the beginning of the interim term and spring term to reach all new students that enroll for interim and second semester.

**Employee Notification**

Notification of the information contained in the DAAPP will be distributed to all current employees of the college via email on or before October 1st of each year. Additional DAAPP distribution will be completed at the beginning of the interim and spring term to reach all employees hired after October 1.