

Drug and Alcohol Abuse Prevention Information

Pittsburgh Career Institute
421 7th Avenue
Pittsburgh, PA 15219

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Drug and Alcohol Abuse Prevention Information

POLICY STATEMENT

In accordance with the requirements of the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 101-690), our school provides all students and employees with the following information concerning school policies and the consequences of the manufacture, distribution, possession, or use of illicit drugs or alcohol.

Students and employees are prohibited from unlawfully manufacturing, distributing, possessing, or using illicit drugs or alcohol while on school property or participating in any school activity. Violation of this policy will subject students or employees to disciplinary action up to and including expulsion or termination from employment. In addition, violation may result in local, state, and/or federal criminal charges.

POLICY DISSEMINATION

All new students receive the Drug Abuse and Prevention Policy during the enrollment process. Current students receive an updated copy to their PCI email address each June. Students may obtain a hard copy at the front desk, the Library, or the Office of the President.

SCHOOL SANCTIONS

The following sanctions will be imposed upon a student found in violation of the policy concerning use, possession, or being under the influence:

- **First Violation: Suspension pending investigation**
- **Second Violation: Dismissal with Appeal option**
- **Third Violation: Expulsion**

NOTE: If a student is in violation of the trafficking or distribution of a controlled substance, said student will face immediate withdrawal from the school, and in extreme cases, will be reported to the proper legal authorities.

LOCAL, STATE, & FEDERAL SANCTIONS

Legal Sanctions – Laws Governing Alcohol and Drugs

Alcohol. Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver's license suspended for ninety (90) days. A second offense will result in a one-year suspension of driving privileges and a fine up to \$500. Additionally, any person who intentionally provides alcohol to a person less than 21

years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least \$1,000 for the first (1st) offense.

Pennsylvania state law allows a driver to be considered intoxicated and charged with driving under the influence (DUI) if she/he has symptoms of intoxication and a blood-alcohol content (BAC) greater than 0.08 percent. A BAC of 0.08 percent can be obtained by consuming a little less than one (1) drink per hour. A driver will be charged with DUI if her/his BAC exceeds 0.08 percent.

Additionally, Pennsylvania state law penalizes public drunkenness and defines it as: "A person is guilty of a summary offense if he/ she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity." It is also a violation of Swarthmore Borough Ordinance 759 to be found in a drunken or intoxicated condition under circumstances tending to disturb the neighborhood or to cause a breach of the public peace. Swarthmore Borough police will enforce these laws on and off campus.

Drugs. Both federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution.

Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one (1) year, plus a minimum fine of \$1,000. If the controlled substance contains a cocaine base and the amount exceeds five (5) grams, the first-time offender will be imprisoned for not less than five (5) years and not more than twenty (20) years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one (1) year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus.

Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession, and distribution of drugs. In addition to imposing fines and imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator's property that was used in committing the crime.

STATE AND FEDERAL SANCTIONS

The following is a summary description of the legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

1. Drugs – state penalties and sanctions for illegal possession, sale, or delivery of a controlled substance:
 - a. The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq. sets up five schedules of controlled substances based on potential for abuse, dangerousness, and medical uses. The act prohibits, among other

things, the manufacture, distribution, sale, or acquisition by misrepresentation or forgery of controlled substances except in accordance with the act, as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the act range from thirty (30) days imprisonment, a \$500 fine, or both, for possession or distribution of a small amount of marijuana or hashish, but which was not for sale, to fifteen (15) years imprisonment, a \$250,000 fine, or both, for the manufacture or delivery of a schedule I or II narcotic.

Fines and terms of imprisonment may be doubled under certain circumstances, including the distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense.

- b. 18 Pa. C.S. §§ 6314, 6317. A person over 18 years of age who is convicted for violating the Controlled Substance, Drug, Device and Cosmetic Act shall be sentenced to a minimum of at least one (1) year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which is located a public, private, or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus (“drug free school zones”), the person shall be sentenced to an additional minimum sentence of at least two (2) years total confinement. Such offenses not involving minors in drug-free school zones are subject to a mandatory minimum of two (2) years of total confinement.
- c. The Pharmacy Act of 1961, 63 P.S. § 390-8 prohibits, among other things, procuring or attempting to procure drugs by fraud, deceit, misrepresentation, or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one (1) year of imprisonment, a \$5,000 fine, or both. For each subsequent offense, the maximum penalty is three (3) years of imprisonment, a \$15,000 fine, or both.
- d. The Vehicle Code, 75 Pa. C.S. § 3802 et seq. prohibits driving, operating, or being in actual physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance, or both, if the driver is thereby rendered incapable of safely driving, operating, or being in actual physical control of the movement of the vehicle or if the

alcohol concentration in the individual's blood or breath exceeds the stated limits. Penalties for first-time violators of the act range from a mandatory term of six (6) months' probation, a \$300 fine, or both, to a maximum of seventy-two (72) hours' imprisonment, a \$5,000 fine, or both. Penalties for subsequent violations increase to a maximum of not less than one (1) year imprisonment, a \$10,000 fine, or both. In addition to the above penalties, the court has discretion to order any or all of the following: highway safety training, drug or alcohol treatment, community service, attendance at a victim-impact panel, use of an ignition interlock device, and/or suspension of operating privileges.

2. Drugs – federal penalties and sanctions for illegal possession or trafficking of a controlled substance:
 - a. 21 U.S.C.S. § 844(a). For the first conviction: up to one (1) year of imprisonment and fine of at least \$1,000, or both. After one (1) prior drug conviction: at least fifteen (15) days' imprisonment, not to exceed two (2) years, and fine of at least \$2,500. After two (2) or more prior drug convictions: At least ninety (90) days' imprisonment, not to exceed three (3) years, and fine of at least \$5,000.

The special sentencing provisions for possession of flunitrazepam (the "date rape drug") include imprisonment not to exceed three (3) years and fine of at least \$1,000.

The special sentencing provisions for possession of a mixture or substance that contains a cocaine base (i.e., crack) are: a mandatory minimum of at least five (5) years' imprisonment, not to exceed twenty (20) years, and fine of at least \$1,000, if: (i) this is a first (1st) conviction and the amount possessed exceeds five (5) grams; (ii) this is a second (2nd) conviction and the amount possessed exceeds three (3) grams; or (iii) this is a third (3rd) or subsequent conviction and the amount possessed exceeds one (1) gram.

In addition to the above penalties, the court has discretion, upon conviction, to order a fine in the amount of the reasonable costs of the investigation and prosecution of the offense.

- b. 21 U.S.C.S. §§ 853(a) and 881(a). This statute allows for the forfeiture of personal and real property used, or intended to be used, to possess or to facilitate possession of a controlled substance if that offense is punishable

by more than one (1) year of imprisonment (see special sentencing provisions above for cocaine-based drugs, such as crack).

Additionally, this allows for the forfeiture of money, controlled substances, drug paraphernalia, firearms, books and records, vehicles, boats, aircraft or any other conveyance used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or any raw materials, products, or equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance.

- c. 20 U.S.C.S. § 1091(r). A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under federal law, 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 as follows. If convicted of an offense involving the possession of a controlled substance: first (1st) offense, the student is ineligible for one (1) year; second (2nd), offense, the student is ineligible for two (2) years; third (3rd) offense, the student is ineligible indefinitely. If convicted of an offense involving the sale of a controlled substance, the penalty for the first (1st) offense is an ineligibility period of two (2) years; the penalty for a second (2nd) offense is ineligibility for an indefinite period.

A student whose eligibility has been suspended under the above paragraph may resume eligibility before the end of the ineligibility period if (a) the student satisfactorily completes a drug rehabilitation program that (i) complies with such criteria as prescribed by regulations and (ii) includes two (2) unannounced drug tests; (b) the student successfully passes two (2) unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as prescribed by regulations; or (c) the conviction is reversed, set aside, or otherwise rendered not valid.

- d. 21 U.S.C.S. § 862. . The following penalties are for possession of a controlled substance. Penalties are increased for trafficking. Denial of

federal benefits, such as grants, contracts, loans, and professional and commercial licenses, up to one (1) year for the first (1st) offense and up to five (5) years for the second (2nd) and subsequent offenses

- e. E. 18 U.S.C.S. § 922(g). Under this statute, one who is an unlawful user of, or addicted to, controlled substances is ineligible to own or possess firearms or ammunition.
- f. Miscellaneous statutes. Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.
- g. See the chart describing Federal Trafficking Penalties attached to this handbook as Appendix II for additional information.

3. Alcohol – state penalties and sanctions for illegal possession or other violations:

The Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., controls the possession and sale of alcoholic beverages within the commonwealth. The code (in conjunction with portions of the Pennsylvania statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. § 6307 et seq.) provides as follows:

- a. It is a summary offense for a person under the age of 21 to attempt to purchase, consume, possess, or knowingly and intention-ally transport any liquor or malt or brewed beverages. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to ninety (90) days; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to ninety (90) days. Multiple sentences involving suspension of driving privileges must be served consecutively.
- b. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of 21). “Furnish” means to supply, give, or pro- vide to, or allow a minor to possess on premises or property owned or controlled by the person charged. The minimum fine for a first (1st) violation is \$1,000; \$2,500 for each subsequent violation; and imprisonment for up to one (1) year for any

violation.

- c. It is a crime for any person under 21 years of age to possess an identification card falsely identifying that person as being 21 years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. The penalty for a first (1st) offense is suspension of driving privileges for ninety (90) days, a fine up to \$300, and imprisonment for up to ninety (90) days; for a second (2nd) offense, suspension of driving privileges for one (1) year, a fine up to \$500, and imprisonment for up to one (1) year; and for a subsequent offense, suspension of driving privileges for two (2) years, a fine up to \$500, and imprisonment for up to one (1) year.
- d. It is a crime intentionally, knowingly, or recklessly to manufacture, make, alter, sell, or attempt to sell an identification card falsely representing the identity, birth date, or age of another. The fine is up to \$2,500 for the first (1st) violation; up to \$5,000 for subsequent violations; and imprisonment for up to two (2) years for any violation.
- e. It is a crime knowingly to misrepresent one's age to obtain liquor. Penalties are as stated in (c) above.
- f. It is a crime for any person to appear in any public place manifestly under the influence of alcohol to the degree that she/he may endanger herself/himself or other persons or property, or annoy persons in her/his vicinity. The penalty is a fine up to \$300 and imprisonment for up to ninety (90) days.
- g. It is a crime knowingly, willfully, and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.
- h. It is a crime to hire, request, or induce any minor to purchase liquor or malt or brewed beverages. The penalty is a minimum fine of \$300 and imprisonment for up to one (1) year.
- i. Sales without a license or purchases from an unlicensed source of liquor or malt beverages are prohibited.
- j. It is unlawful to possess or transport liquor or alcohol within the commonwealth unless it has been purchased from a Pennsylvania State Liquor Store or in accordance with Liquor Control Board regulations.

A summary of federal sanctions is listed below. The legal sanctions provided below are for informational purposes and do not represent legal advice.

Chart One

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p>First Offense: 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.</p> <p>Second Offense: 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.</p>	Cocaine 5 kilograms or more mixture	<p>First Offense: 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.</p> <p>Second Offense: 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.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		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 not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		Second Offense: 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.		
Flunitrazepam (Schedule IV) 1 Gram or less				

Any Amount Of Other Schedule III Drugs	<p>First Offense: 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.</p> <p>Second Offense: 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.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount Of All Schedule V Drugs	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Chart Two

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	<p>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.</p> <p>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.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p>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.</p> <p>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, \$50million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p>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.</p> <p>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.</p>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	

Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the 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 1 year imprisonment. (See special sentencing provisions re: crack.)

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

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

21 U.S.C. 844a

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

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 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.

HEALTH RISKS & TREATMENT

Information regarding the effects of commonly abused drugs may be found on the internet at www.nida.nih.gov/DrugsofAbuse.html .

Drug and alcohol abuse education programs are offered by local community agencies. The school will post information about such education programs in the department of education.

While care must be taken to ensure that a person is not wrongly accused of drug use, it is recommended that anyone who notes warning signs in either a student or employee contact the school President's Office. If it is determined by the school President that a student or employee is in need of assistance to overcome a drug problem, he/she may be counseled on the need to seek assistance. The cost of such assistance or treatment will be the responsibility of the student or employee. Records of such counseling will remain confidential.

In certain instances, students and employees may be referred to counseling and/or a substance abuse help center. If such a referral is made, continued enrollment or employment is contingent upon attendance and successful completion of any prescribed counseling or treatment. Students or employees who are seeking treatment for a substance abuse problem may contact the President's Office. Confidentiality will be maintained.

Students facing drug and alcohol issues may contact our Well Connect service anytime (24/7-365) at 1-866-640-4777.

There are local agencies that may also assist students and employees in need of substance abuse treatment. A few include:

Pyramid Healthcare, Inc.

2100 Wharton Street Suite

321 Pittsburgh, PA 15203

Phone: (412) 481-1922 **Fax:** (412) 481-1933

Western Psychiatric Institute and Clinic

Address: 3811 O'Hara St.

Pittsburgh, PA 15213

Phone:(412) 624-2100

There are also national organizations that may be contacted for help, such as:

- The Alcoholism and Drug Abuse Hotline 1-800-ALCOHOL (1-800-252-6465)
- National Drug Abuse Helpline 1-866-874-4553
- The National Institute on Drug Abuse Treatment Referral Hotline 1-800-662-HELP (4357) or <http://findtreatment.samhsa.gov/>
- Al-Anon for Families of Alcoholics 1-800-344-2666

DRUG CONVICTIONS

Student and employees must notify the school President, in writing, within five days of being convicted of a criminal drug statute at the school. Disciplinary action will occur within 30 days of receipt of the written notification and may range from a letter of admonishment to termination from enrollment or employment at the school.