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## Drug and Alcohol Policy

July 2018

Capri College is committed to providing a campus environment free of the use of alcohol and illegal drugs. To strengthen that commitment, Capri has adopted and implemented a program that seeks to prevent the abuse of alcohol and drugs by its employees and students. The College's policies concerning the use of alcohol and drugs are outlined below.

*This statement is provided annually to students, faculty and staff of Capri College in compliance with the requirements of the Drug-Free Schools and Communities Act, Public Law 101-226.*

## **Purpose**

The Drug and Alcohol Policy and Prevention Program applies to all employees and students. This policy is intended to help maintain the health and safety of the college faculty, staff, and students and to ensure that alcohol and drug use does not interfere with the effective functioning of the College. The prohibitions for use, possession, and distribution of illegal drugs or alcohol apply to all faculty, staff, students or customers on school property or as part of any school activity.

## **Definition of Terms**

*Alcohol* – In the context of this policy, the terms “alcohol” and “alcoholic beverage” are defined to be any consumed or consumable beverage that has alcohol content. Empty alcoholic beverage containers (bottles, cans, etc.) also constitute the presence of alcohol and will be treated as such.

*Illegal Drug* – In the context of this policy, the term “illegal drug” is defined to be any substance whose distribution is somehow controlled or restricted by federal or state law which is not obtained through the legal prescription of a licensed medical professional.

## **Policy**

Because alcohol and drug abuse poses a threat to the health and safety of Capri College faculty, staff, students, and guests and interferes with the ability of the College to achieve its mission, it is the policy of Capri College to provide a drug-free workplace and learning environment and more specifically to:

- Prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by employees and students on property owned or leased by Capri at College sponsored events.

- Comply with the provisions of the Drug Free Schools and Communities Act of 1989
- Maintain alcohol and drug prevention programs including policy enforcements, education programs, and referral to treatment programs.
- Additionally, no employee or student is to report for work/school, attend class, or participate in a Capri College activity while under the influence of illegal drugs, alcohol, or prescription drugs that would affect his/her performance. Employees/Students not complying with these standards will be subject to institutional sanctions outlined in this report.

**Capri College Disciplinary Sanctions** Violation of the policies and laws referenced above by an employee or student will be grounds for disciplinary actions up to and including termination or expulsion in accordance with the applicable Capri College policies. A referral may also be made for prosecution consistent with local, state and federal criminal laws. Disciplinary action taken against a student or employee by the School does not preclude the possibility of criminal charges being filed against that individual. The filing of criminal charges similarly does not preclude action by Capri College.

Capri College may conduct searches for illegal drugs or alcohol on School facilities at any time, without prior notice to employees and students. With regard to employees, School Facilities include, without limitation: offices, desks, drawers, cabinets, files, lockers, equipment, including computers, email and voicemail, School vehicles, and any area on the School’s premises. With regard to students, School Facilities include,

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without limitation: desks, drawers, lockers, and any area on the School's premises. These examples are provided as an illustration only and do not create an expectation of privacy in locations not listed.

Students and employees should have no expectation of privacy with respect to items brought onto Company property and/or stored in company facilities. In addition, when Capri College has a reasonable suspicion that a School policy is being violated that necessitates a search, employees and students may be required to submit to reasonable searches of personal vehicles, parcels, purses, handbags, backpacks, briefcases, lunch boxes, student kits or any other possessions or articles brought on to the company's property.

Local State and Federal laws prohibit the possession of alcoholic beverage by persons under age 21. No person may sell, give, or serve alcoholic beverages to a person under age 21, and it is unlawful for a person under age to misrepresent his or her age in order to obtain alcohol. It is a crime for any person to possess or distribute a controlled substance (drug).

The State of Iowa has established ordinances regarding the regulation, licensing and sales of alcoholic beverages. As well, the individual cities in Iowa have ordinances that deal with the consumption of alcohol on public streets, sidewalks and/or alleyways. The violation is a petty offense resulting in a monetary fine and/or up to 30 days in jail.

**IOWA Penalties for DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS** ([www.dui.drivinglaws.org/iowa.php](http://www.dui.drivinglaws.org/iowa.php))

OFFENSE	FINE	JAIL	LICENSE SUSPENSION
1 <sup>st</sup>	Up to \$1250	48 hours to 1 year	180 days
2 <sup>nd</sup>	\$1875 minimum	7 days to 2 years	2 years
3 <sup>rd</sup> and Subsequent	\$3125 minimum	30 days to 5 years	6 years

### Local, State and Federal Sanctions

Employees and students are expected to fully cooperate. Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. All employees must cooperate in an inspection; failure to do so is insubordination and will result in disciplinary action, up to and including discharge.

As a condition of employment, Capri College employees must consent to a drug or alcohol screening at any time during employment if the School has reasonable suspicion that the employee is under the influence of drugs and/or alcohol. The refusal to consent to testing may result in disciplinary action, including termination. Capri College will cover the costs associated with such drug and/or alcohol screening.

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### **FEDERAL Penalties for Illegal Possession of Controlled Substances - 21 U.S.C. 844 (a)**

- 1st conviction: Up to one (1) year imprisonment and fined at least \$1000 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 \$2500 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 provision 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 exceeding 5 grams.
- (b) 2nd conviction and the amount of crack possessed exceeding 3 grams.
- (c) 3rd or subsequent 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 facilitate possession of a controlled substance if that offense is punishable by more than one (1) year imprisonment (see special sentencing provisions re: crack.)

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

Forfeiture of vehicles, boats, aircraft or any 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. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to 1 year for 1st offense, up to 5 years for 2<sup>nd</sup> and subsequent offenses. Substance abuse counseling is mandatory for substance abuse violators in addition to the Federal sanctions.

### **Federal Drug Free Work-Place Requirements**

The following are required of the Capri College and its employees and students:

1. An employee or student shall notify his or her supervisor, or other appropriate management representative, of any criminal drug statute conviction for a violation occurring in the work place no later than (5) days after such conviction.
2. The School shall notify any federal contacting agency

- within ten days of having received notice that an employee or student engaged in the performance of such contract or grant has had a criminal drug statute conviction for a violation occurring in the work place.
3. The School will take appropriate action against any employee or student who is convicted for a violation occurring in the work place and will require the employee or student's satisfactory participation in a drug abuse assistance or rehabilitation program.

**Drug Violation-Financial Aid Eligibility**

Student Eligibility due to drug convictions: The Anti-Drug Abuse Act of 1988 includes provisions that authorize Federal and state judges to deny certain Federal benefits, including Title IV aid, to persons convicted of selling or possessing illegal drugs. For the purposes of this policy, a conviction means only a conviction that is on a student’s record. A conviction that was reversed, set aside, or removed from the student’s record is not relevant for the purposes of this policy, nor is a determination or adjudication arising out of a juvenile proceeding. For the purposes of this policy, an illegal drug is a controlled substance as defined by section 102(6) of the Controlled Substances Act (21 U.S.C. 801(6)), and does not include alcohol or tobacco.

A student is ineligible to receive Title IV, HEA program funds for a proscribed period, if the student has been convicted of an offense under any Federal or State law involving the possession or sale of illegal drugs for conduct that occurred during a period of enrollment for which the student was receiving Title IV, HEA program funds. However, the student may regain eligibility before that time period expires under the following conditions: If the student successfully completes a drug rehabilitation program including, at least two unannounced drug tests given by such a program and has received or is qualified to receive funds directly or indirectly under a Federal, State, or local government program as referenced in CFR 668.40 (d) (2) (ii, iii and iv). Students denied eligibility for an indefinite period can regain eligibility after completing any of the following three options: Having the conviction reversed, set aside, or removed from the student’s record so that fewer than two convictions for sale or three convictions for

possession remain on the record; Successfully completing an approved rehabilitation program which includes passing two unannounced drug tests from such a program; or Completing two unannounced drug tests, which is part of an approved rehab program (the student does not need to complete the rest of the program). In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student’s responsibility to certify to you that he/she has successfully completed the rehabilitation program. Students must fulfill the CFR 668.40 “Conviction for Possession or Sale of Illegal Drugs” to be eligible for Title IV aid. All students self-certify by completing the FAFSA drug conviction question that he or she is eligible. If the student was convicted of both selling and possessing illegal drugs for which the periods of ineligibility are different, the student will be ineligible for a longer length of time. If a student becomes ineligible for a loan or grant, The College will provide a timely clear and conspicuous written notice to any student who becomes ineligible for Title IV aid due to a drug conviction and the manner whereby the student can regain eligibility.

**Drug offenses and time of Title IV Aid loss:**

Possession of illegal drugs

- 1st Offense - 1 year after date of conviction.
- 2<sup>nd</sup> offense - 2years after date of conviction.
- 3<sup>rd</sup> offense - indefinite.

Sale of illegal drugs

- 1<sup>st</sup> offense - 2 years.
- 2nd offense - indefinite.

The student can gain eligibility the day after the period of ineligibility ends or when the student has successfully

completed a drug rehabilitation program. If the student has further drug convictions, the student will become ineligible again. The nature and dates of the remaining convictions will determine when the student can regain eligibility. If/when the student regains eligibility, based on confirmed documentation, the student may be awarded Pell Grant for the payment period of the award year the student is currently enrolled within. Qualifying for Direct Loans will be based on the period of enrollment.

### **Health Risks Associated with use and abuse of Alcohol and Illegal Drugs**

Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. The use of even small amounts of alcohol by a pregnant woman can damage the fetus. Low to moderate doses of alcohol also increases the likelihood of aggressive acts. Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Heavy doses of alcohol may result in chronic depression and suicide, and may also be associated with the abuse of other drugs. Very high doses of alcohol can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce effects described above for very high doses. Long-term, heavy alcohol use can cause digestive disorders, cirrhosis of the liver, circulatory system disorders and impairment of the central nervous system, all of which may lead to early death. Repeated use of alcohol can

lead to dependence, and at least 15-20 percent of heavy users eventually will become problem drinkers or alcoholics if they continue drinking. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions, which can be life threatening. The use of illegal drugs, and the misuse of prescription and other drugs, poses a serious health threat. For example, the use of marijuana (cannabis) may cause impairment of short-term memory, comprehension, and ability to perform tasks requiring concentration. The use of marijuana also may cause lung damage, paranoia and possible psychosis. The use of narcotics, depressants, stimulants and hallucinogens may cause nervous system disorders and possible death as the result of an overdose. Illicit inhalants can cause liver damage.

There are significant risks associated with the use of alcohol and drugs. These risks include impaired academic or work performance; lost potential; financial problems; poor concentration; blackouts; conflicts with friends and others; vandalism, theft and murder, sexual assault and other unplanned sexual relationships; spouse and child abuse; sexually transmitted diseases; and unusual or inappropriate risk-taking which may result in physical or emotional injury or death.

The school maintains drug and alcohol education information that can be obtained from the Student Services Office. For additional health effects go to: <http://www.dea.gov/druginfo/factsheets.shtml>

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### RESOURCES (by Capri Location) for Information or Help

#### Cedar Rapids

Area Substance Abuse Council	319-390-4611	<a href="http://www.asac.us/">www.asac.us/</a>
Cedar Rapids Police Department	319-268-5491 (or 911)	<a href="http://www.cedar-rapids.org/local_government/departments_g-v/police/index.php">www.cedar-rapids.org/local_government/departments_g - v/police/index.php</a>
Crisis Center	319-362-2174	<a href="http://www.foundation2.org/">www.foundation2.org/</a>
Waypoint Domestic Abuse	319-363-2093	<a href="http://www.waypointservices.org/">www.waypointservices.org/</a>
Mercy Hospital	319-398-6011	<a href="http://www.mercycare.org/">www.mercycare.org/</a>
St. Luke's Hospital	319-369-7211	<a href="http://www.unitypoint.org/cedarrapids/default.aspx">www.unitypoint.org/cedarrapids/default.aspx</a>
Poison Control Center	800-222-1222	<a href="http://www.iowapoison.org/">www.iowapoison.org/</a>
Sexual Assault Intervention	319-363-2093	<a href="http://www.waypointservices.org/">www.waypointservices.org/</a>
Capri College School Director (Chris Fiegen)	319-364-1541 x203	<a href="mailto:clfiegen@capricollege.com">clfiegen@capricollege.com</a>
Capri College Student Services (S. Hollingshead)	319-364-1541 x206	<a href="mailto:shollingshead@capricollege.com">shollingshead@capricollege.com</a>

#### Davenport

Center for Alcohol& Drug Services	563-322-2667	<a href="http://www.cads-ia.com">www.cads-ia.com</a>
Davenport Police Department	563-326-7979 (or 911)	<a href="http://www.cityofdavenportiowa.com">www.cityofdavenportiowa.com</a>
Safe Path Crisis Line – Sexual Assault	563-326-9191	<a href="http://www.famres.org">www.famres.org</a>
Genesis Medical Center	563-421-1000	<a href="http://www.genesishealth.com">www.genesishealth.com</a>
Trinity Medical / Unity Point Health	563-779-5000	<a href="http://www.unitypoint.org">www.unitypoint.org</a>
Poison Control Center	800-222-1222	<a href="http://www.poison.org/">www.poison.org/</a>
Family Resources – Domestic Abuse	309-797-1777	<a href="http://www.famres.org">www.famres.org</a>
Capri College School Director (Melody Sawvell)	563-388-6642 x203	<a href="mailto:msawvell@capricollege.com">msawvell@capricollege.com</a>
Capri College Student Services (Mary Vance)	563-388-6642 x204	<a href="mailto:mvance@capricollege.com">mvance@capricollege.com</a>

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### Dubuque

Dubuque Substance Abuse Center	563-582-3784	<a href="http://www.rehab.com">www.rehab.com</a>
Dubuque Police Department	563-589-4467 (or 911)	<a href="http://www.cityofdubuque.org">www.cityofdubuque.org</a>
New Beginnings / Domestic Violence Hotline	563-556-1100	<a href="http://www.newbegin.org">www.newbegin.org</a>
Domestic Abuse (YWCA)	563-588-0048	<a href="http://www.ywcaworks.org">www.ywcaworks.org</a>
Mercy Hospital	563-589-2000	<a href="http://www.mercydubuque.com">www.mercydubuque.com</a>
Finley (Unity Point) Hospital	563-582-1818	<a href="http://www.unitypoint.org">www.unitypoint.org</a>
Crescent Health Center	563-690-2850	<a href="http://www.crescentchc.org">www.crescentchc.org</a>
Poison Control Center	800-222-1222	<a href="http://www.iowapoison.org">www.iowapoison.org</a>
Riverview Center (Sexual Assault)	563-557-0310	<a href="http://www.riverviewcenter.org">www.riverviewcenter.org</a>
Turning Point (Mercy Treatment Center)	563-589-8290	<a href="http://www.mercydubuque.com">www.mercydubuque.com</a>
Capri College School Director (Josh Miller)	563-588-2379 x313	<a href="mailto:j.miller@capricollege.com">j.miller@capricollege.com</a>
Capri College Student Services (Meggan Dobson)	563-588-2379 x325	<a href="mailto:mdobson@capricollege.com">mdobson@capricollege.com</a>

### Waterloo

Waterloo Substance Abuse Center	319-235-6571	<a href="http://www.pathwaysb.org">www.pathwaysb.org</a>
Waterloo Police Department	319-291-4340 (or 911)	<a href="http://www.waterloopolice.com">www.waterloopolice.com</a>
Horizons Substance Abuse Center	319-272-2873	<a href="http://www.intherooms.com">www.intherooms.com</a>
Domestic Abuse Hotline	800-799-7233	<a href="http://www.thehotline.org">www.thehotline.org</a>
Waterloo Sexual Assault Center	319-335-6000	<a href="http://www.rvap.uiowa.edu">www.rvap.uiowa.edu</a>
Covenant Medical Center	319-272-8000	<a href="http://www.wheatoniowa.org/locations/covenant-medical-center">www.wheatoniowa.org/locations/covenant-medical-center</a>
Allen Memorial Hospital	319-235-3941	<a href="http://www.unitypoint.org/waterloo">www.unitypoint.org/waterloo</a>
Poison Control Center	800-222-1222	<a href="http://www.poison.org">www.poison.org</a>
Capri College School Director (Trish Erger)	319-234-2600 x102	<a href="mailto:terger@capricollege.com">terger@capricollege.com</a>
Capri College Student Services (Shawn Bobst)	319-234-2600 x104	<a href="mailto:sbobst@capricollege.com">sbobst@capricollege.com</a>

***\*This policy is distributed to all employees and students annually. We review our Drug and Alcohol Policy for effectiveness at least once every two years through Campus Security reporting and by the number of drug and alcohol related disciplinary actions, treatment referrals, and incident reports to and from police. If changes are deemed necessary, they will be implemented and students/staff informed.***