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From: Human Resources <hr@scranton.edu>  
Sent: Friday, September 1, 2023 8:39 AM  
To: universitycommunity@scranton.edu  
Subject: University Drug and Alcohol Abuse Prevention Program Information 2023  
Attachments: University Drug and Alcohol Abuse Prevention Program Information 2023 (w LSR).pdf

Dear Members of the University Community:

Below please find a compilation of information on The University of Scranton's Drug and Alcohol Abuse Prevention Programs. No fee of this information is required by federal regulation and provides a useful resource regarding University efforts in this important area. A copy of this disclosure is available in the Offices of Human Resources (St. Thomas Hall 100) and Student Life (DeNaples Campus Center - Suite 201) upon request.

The Pennsylvania law regarding use of marijuana does not impact the University's Alcohol and Drug Policies and Drug Free Workplace Policy. Marijuana remains a controlled substance under Federal law to which the University is subject.

Sincerely,

Lauren S. Rivera, J.D., M.Ed.  
Vice President for Student Life & Dean of Students

Patricia L. Tetreault, SPHR, SHRM-SCP  
Vice President for Human Resources

University Drug and Alcohol Abuse Prevention Program Information

As a caring community, The University of Scranton is committed to the implementation of a program that is designed to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by its students and faculty.

decisionmaking. Impaired judgment may result in a disregard for self or others, well being, academic success and employment. The use of illegal drugs and the

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President (or designee) Please note that the registration form for events where alcohol will be served is available in the Center for Student Engagement.

- x On campus possession of "grain" alcohol except in a supervised laboratory setting.
- x Violating laws or ordinances pertaining to the possession or consumption of alcohol.

- x Alcoholic beverages must not be sold at any event held in a University facility not covered by a Pennsylvania liquor license. Under state law, charging admission, selling mugs, glasses, shirts, etc. constitute furnishing alcoholic without a legal license and are illegal.

Any division, department, club or organization that fails to follow these guidelines and procedures will lose its privilege to conduct social events for a period of time determined by the appropriate Vice President or his/her designee.

#### D. State and City Laws Concerning Alcohol

Laws of the Commonwealth of Pennsylvania and ordinances of the City of Scranton are applicable to all members and guests of The University of Scranton community. Below is a list of pertinent laws and ordinances. However, this list is not comprehensive. Community members are encouraged to ensure they are familiar with relevant laws and ordinances. Failure to abide by them may result in disciplinary action.

- x It is illegal for any person under twenty one (21) years of age to attempt to purchase, consume, possess, or knowingly or intentionally transport any alcoholic beverage. Note that Pennsylvania applies the concept of constructive possession under which guilt can be construed for possession of alcohol by determining that alcohol was readily available to a minor who apparently made no good faith attempt to distance him or herself from it. Also note that individuals who violate this law do not have a right to a breath test or blood test.
- x It is illegal for any person to sell, furnish, purchase with the intent to sell, furnish, or give any alcoholic beverage to a person under twenty one (21) years of age or to any person who is intoxicated.

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- x Use or possession of a controlled substance without a valid prescription; Use of a controlled substance in a manner other than as prescribed; Abuse of prescription or over the counter products.
- x Use or possession of drug paraphernalia or items that have been or can be used to smoke or ingest illegal drugs, controlled substances or other substances that significantly alter one's physical and/or mental state (i.e., pipes, hookahs, bowls, bongs).
- x Being in the presence of any other person on campus who is engaging in a violation of the University Drugs Policy.
- x Manufacture, transfer, sale, distribution, or intent to distribute any amount of illegal drugs, controlled substances or other substances that significantly alter one's physical and/or mental state. Students who engage in such conduct will be suspended from the University as a minimum sanction, even for a first offense.

Policies for Employees:

Alcohol and Chemical Substance Abuse

- A. Use of alcohol by those under the age of 21 and/or the possession, use or the distribution of illicit drugs by University employees will not be tolerated. Employees of the University who violate these regulations will be dealt with by the appropriate supervisor or officer responsible for that individual or group in accordance with the University's disciplinary policies and guidelines. Drug abuse and dependency is a national social and health problem, with devastating consequences to individuals, their friends, and families. The University of Scranton is concerned about the adverse effects of drug abuse on employee job performance, health, safety, and security. An Employee Assistance Program is available to all employees and may be a resource for employees who feel they have a drug or alcohol dependency. The Employee Assistance Program, NexGen EAP, is through Employee Networking (EN) at the University of Scranton, and is a third party confidential resource. The services of Licensed Mental Health Professionals (LMHAs) provide short term counseling focused on coping skills or, (2) make appropriate

use of a controlled substance is prohibited in

- B. Will provide each employee a copy of this policy. In addition, all faculty, staff and student employees will be notified of this policy through appropriate publications.
- C. Will notify each university employee and each student employee that, as a condition of employment on a federal grant or contract, the person once so employed must abide by the terms of the policy.
- D. Will require any employee convicted of any criminal drug statute violation which has occurred in the workplace to notify their supervisor or appropriate academic officer, preferably in writing, of such conviction, including any resultant conditions, within five (5) days of the conviction.
- E. Will require each academic officer, supervisor or student employment official having knowledge of or receiving notification of a conviction as described above to immediately notify in writing to the Vice President for Human Resources. Under certain conditions the Vice President for Human Resources will notify the appropriate academic official.
- F. Will notify the appropriate federal agency within 10 days after receiving notice of a criminal drug statute conviction of any University employee engaged in the performance of the grant or contract.
- G. Will impose a sanction on, or require the satisfactory participation in a drug abuse assistance rehabilitation program by, any employee so convicted.
- H. Will make a good faith effort to continue to maintain a drug free workplace through implementation of this policy.
  1. Application of Policy. The Drug Free Workplace Policy, which applies to all persons in the University workplace, is supported by a drug awareness program available to the faculty, staff and students of the University. Specific compliance and reporting items enumerated in the policy (items B, C, D, E, and F) are



§ 6307. Misrepresentation of Age to Secure Liquor or Malt or Brewed Beverages

- x A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation if he/she is under the age of 21 and knowingly and falsely represents him/herself to be 21 years of age or older, for the purpose of obtaining any liquor or malt or brewed beverages. Maximum fine is \$500 plus court costs.

§ 6309. Representing that Minor is of Age

- x A person is guilty of a misdemeanor of the third degree if he/she knowingly, willfully, and falsely represents to any licensed dealer, or other person, that a minor is of legal age for the purpose of inducing a person to sell or furnish any liquor, malt or brewed beverages to the minor. The minimum penalty is a fine of not less than \$300.

§ 6310.1(a). Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors

- x A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or intentionally and knowingly furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age. Minimum penalty for violation of this subsection is a fine not less than \$1000 for the first violation and a fine of \$2500 for each subsequent violation plus court costs.

§ 6310.2. Manufacture or Sale of Falsely Issued ID Card

- x A person commits a misdemeanor of the second degree if he/she intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another. Minimum penalty is a fine of not less than \$1000 for the first violation and a fine of not less than \$2500 for each subsequent violation.

§ 6310.3. Carrying a Falsely Issued ID Card

- x A person commits a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation if he/she is under 21 years of age and possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years of age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card. The police department making an arrest for a suspected violation shall not notify the parents or guardian of the minor charged. Minimum penalty is a fine not more than \$500 plus court costs for the second and subsequent violations.

§ 5505. Public Drunkenness and Similar Misconduct

- x A person is guilty of a summary offense if he/she appears in any public place under the influence of alcohol or a controlled substance. Penalty is a maximum fine of \$500 plus court costs for a first violation and not more than \$1,000 for the second and each subsequent violation.

Title 75 Vehicle Code

§ 3718. Minor Prohibited from Operating with Any Alcohol in System

- x A minor (under 21 years of age) shall not drive, operate or be in physical control of a motor vehicle while having alcohol in their system. This is a summary offense with a fine of \$100.

§ 3802. Driving Under Influence of Alcohol or Controlled Substance.

- x An individual shall not drive, operate or be in actual physical control of the movement of a vehicle such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle, or the individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle. For an individual who is 21 years of age or older, the Blood Alcohol Content is .08%, for a minor under 21, the Blood Alcohol Content is .02%. The minimum penalty for the first offense for those under 21 is a \$500 to \$5,000 fine, jail time of 48 hours to six months, a license suspension of 12 months and parental notification.

Controlled Substances

Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act Title 35 § 780.101 et seq.

- x 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 range from 30 days imprisonment, a \$500 fine or both for possession or distribution of a small amount of marijuana or hashish not for sale, to 15 years imprisonment or 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. Immunity from prosecution under Pennsylvania law may be available for certain drug related offenses for the person who calls 911, campus police, or emergency services to report that another person is in need of immediate medical attention. Distribution of a controlled substance to a person under 18 years of age or a conviction for a second or subsequent offense is a crime under the Act, but may be excused if the person is a minor and the substance is for personal use.

Federal Controlled Substances Act

21 U.S.C. §§ 841, 844 and 844(a)

- x The penalty for simple possession of a controlled substance is up to one year imprisonment and a minimum fine of at least \$1,000 or both. A second conviction carries a penalty of a minimum 15 days imprisonment, not to exceed 2 years, and a fine of at least \$2,500. Two or more prior drug convictions will result in at least 90 days imprisonment, not to exceed 3 years, and a fine of at least \$5,000. In addition, there are specific sentencing guidelines for possession of flunitrazepam (the "date rape drug"). Conviction for possession of this drug will result in imprisonment of not more than 3 years, a fine of at least \$1,000

Federal Drug Trafficking Penalties (21 USC § 841)

The penalties for federal drug trafficking convictions differ based on the amount of the controlled substance involved. The following table describes the range and severity of some federal penalties imposed for first convictions based on

Drug

Quantity

First Onset

Drug	Quantity	First Offense	Second Offense
Methamphetamine	5 #9 grams pure or 50 #99 grams mixture	x Not less than 5 years and not more than 40 years. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual	x Not less than 10 years and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual
PCP Schedule I	10 #9 grams pure or 100 #99 grams mixture	x Not less than 5 years and not more than 40 years. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual	x Not less than 10 years and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual
Flunitrazepam Schedule V "Date Rape Drug"	1 gram	x Not more than 20 years. If death or serious injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	x Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.

\*Source: Drug of Abuse A DEA Resource Guide: 2020 Edition