

Drug-Free Schools and Communities Act Amendments

The Drug-Free Schools and Communities Act Amendments of 1989 require an institution of higher education, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. As part of its drug prevention program for students and employees, NPTI annually distributes in writing to each student and employee the following information:

1. Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities
2. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
4. A description of available drug and alcohol counseling, treatment, or rehabilitation or re-entry programs
5. A clear statement of the disciplinary sanctions that NPTI will impose on students and employees who violate the standards of conduct

NPTI conducts biennial reviews of its drug and alcohol abuse prevention programs to determine their effectiveness, implement changes as needed, and ensure that the disciplinary sanctions are consistently enforced.

NPTI fully supports the objectives of these laws and their related regulations. NPTI recognizes both alcohol and drug abuse as potential health, safety, and security problems. NPTI expects its students and employees to cooperate in maintaining a School environment free from the effects of alcohol and other drugs and to comply with this policy.

Standards of Conduct at NPTI

All members of NPTI community are responsible for being familiar and complying with the requirements of federal and Michigan statutes and Rochester Hills, Michigan ordinances concerning the consumption, possession, and sale of alcohol and other drugs. NPTI expects each member of the community to be responsible for his or her own conduct and the consequences of that conduct.

NPTI recognizes both alcohol and drug abuse as potential health, safety, and security problems. NPTI expects faculty, students, and staff to assist in maintaining a School environment free from the effects of alcohol and other drugs.

NPTI prohibits all students and employees from the unlawful manufacture, possession, use, distribution, sale, or purchase of alcohol and other drugs on School premises or as part of any School activity, and from working under the influence of alcohol or illicit drugs. The only

exception to this provision applies to moderate consumption and/or possession of alcohol on School premises at approved functions (e.g., receptions) by those legally permitted to consume or distribute alcohol. Such functions must comply with all applicable School guidelines.

In addition, all student employees are required to be able to perform their jobs. If an employee may be impaired by medication taken according to a doctor's prescription or the medication's directions, he or she is expected to discuss it with his or her supervisor.

Besides these general standards of conduct, areas of NPTI may also have specific drug and alcohol policies relating to their activities and providing additional details.

Legal Sanctions

Various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Moreover, Michigan law prohibits the consumption and possession of alcohol by persons under the age of 21 and the supplying of alcohol to any person under the age of 21. Additionally, Michigan law prohibits the sale of alcoholic beverages except by those licensed to sell such beverages. Michigan law and City ordinances also prohibit public intoxication to a degree that it endangers people or property or annoys people in the vicinity, the operation of a vehicle under the influence of alcohol or other intoxicants, and the consumption of alcohol on a public way. Violation of these laws or other laws relating to drugs and alcohol may result in probation, fines, imprisonment, and permanent criminal record. Violation of drug laws may also result in civil seizure and forfeiture of property used in connection with the offense. A violation may also result in School disciplinary action.

The following sections set forth in some detail federal and state statutes with respect to illicit drug trafficking and possession, and state statutes regarding alcohol use by minors.

Federal Drug Sanctions

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs ("controlled substances"). Federal penalties and sanctions for the simple possession of a controlled substance are quite severe. The law sets forth sentences and fines that include the following:

- First conviction: up to one-year imprisonment, a fine of at least \$1,000, or both. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of flunitrazepam (Rohypnol) (21 U.S.C. §844(a))
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment, as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. (21 U.S.C. §§853(a) & 881(a))

- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense. (21 U.S.C. §862)
- • Ineligibility to receive or purchase a firearm. (18 U.S.C. §922(g))

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies.

These penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary or secondary school, or a public or private college. (21 U.S.C. §§859 & 860)

Federal penalties and sanctions for trafficking in controlled substances are considerably more severe than those outlined previously for simple possession. [Table A](#) prepared by the Department of Justice outlines federal trafficking penalties for substances covered by the Controlled Substances Act.

State Drug Sanctions

Michigan statutes also cover a wide range of drug offenses 720 ILCS 550/1, et seq. (cannabis); 720 ILCS 570/401, et seq. (other controlled substances). Sentences and fines for simple possession of various controlled substances are outlined in [Table B](#).

In addition to the sanctions listed in this table, the following additional penalties for possession of an illegal substance are prescribed by Michigan law.

- Possession of cannabis plants may result, depending on the number of plants, in prison terms of up to 15 years and fines of up to \$25,000 plus costs.
- Conviction of a drug-related offense involving possession or delivery under the Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, in addition to all other penalties, results in a fine of no less than full street value of the substance seized.
- As with federal law, Michigan law provides much stiffer penalties for trafficking in a controlled substance. Sentences and fines for the manufacture of, delivery of, or possession with intent to deliver controlled substances are outlined in [Table C](#).

In addition to these sanctions, the following additional penalties are prescribed by Michigan law. Conviction for the following may result in imprisonment, a fine, or both up to double the maximum otherwise authorized:

- Conviction for a second or subsequent offense under the Controlled Substances Act. A prior conviction under federal law or the law of any other state makes a conviction under Michigan law a second offense.

- Conviction for “cannabis trafficking” of 2,500 grams or more or for “controlled substances trafficking” (i.e., bringing these items into Michigan for purposes of manufacture or delivery).
- Conviction for delivery of a controlled substance by a person over 18 to a person under 18.
- Conviction for delivery of cannabis (marijuana or hashish) by a person over 18 to a person under 18 who is at least three years younger.
- Conviction for delivery of a controlled substance to a woman known to be pregnant.

A person over 18 who uses another person under 18 to deliver controlled substances may be sentenced to imprisonment for a term up to three times the maximum otherwise authorized.

Violation of provisions of the Controlled Substances Act in or on the grounds of any school or public housing complex, or within 1,000 feet of the same, will increase the felony status (and prison term) and the applicable fine.

Participation in any conspiracy with respect to cannabis may result in imprisonment for two to five years and a fine of up to \$200,000 plus certain forfeitures.

Federal and State Fake ID Sanctions

Under Michigan law, possession, advertisement, manufacture, distribution, or sale of a driver’s license or identification card that is “fraudulent” (i.e., produced by someone other than a government office) is a Class 4 felony punishable by one to three years imprisonment and up to \$25,000. Possession, transfer, or use of “fictitious” identification (a genuine identification with false information), lending or using the identification of another, or altering an identification is punishable by up to one year imprisonment and a fine of up to \$2,500. Persons under 21 who present or offer false evidence for purposes of obtaining or purchasing alcohol shall be fined between \$500 and \$2,500, must perform at least 25 hours of community service, and may be jailed for up to one year.

Under federal law, the use, transfer, or production of identification that is false, altered, tampered with, or fraudulently obtained is punishable by up to 15 years imprisonment and a fine of up to \$250,000. Possession of such identification is punishable in some cases by up to five years imprisonment and a fine of up to \$250,000.

State Alcohol Sanctions

Persons under 21 who possess, consume, purchase, or receive alcohol may be jailed for up to one year and fined \$2,500. Michigan law also provides for a prison term up to one year and a fine of up to \$2,500 for knowingly providing alcohol to persons under 21.

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.*

School Sanctions

Besides legal consequences, the unlawful possession, use, or distribution of illicit drugs and alcohol and any violation of NPTI alcohol and other drug policy by a student or employee may result in appropriate discipline under the student disciplinary system or the employee corrective action procedure. For students, sanctions include, but are not limited to, probation, suspension, or expulsion from NPTI. For employees, sanctions include but are not limited to, suspension, termination of employment, disqualification from future employment, and prohibition from accessing School property. NPTI may refer students or employees for criminal investigation and prosecution.

For both students and employees, NPTI retains full and final discretion on whether, when, and under what conditions a student may be reinstated or an employee returned to employment after an instance of alcohol abuse or improper drug use. Student organizations that violate this policy are also subject to sanctions, including, but not limited to, probation and removal of recognized student organization status. The particular sanction in a given case will depend on such factors as the nature of the violation, the seriousness of the offense, and the prior record of the individual or organization, and may include the successful completion of an approved rehabilitation or chemical dependency treatment program.

Any employee (including student employees) convicted of any violation of any criminal drug statute (including misdemeanors) for a violation occurring either on School property or during working hours must notify the school director within five days of the date of conviction. A conviction includes any plea or finding of guilty, any plea of nolo contendere (no contest), and/or any imposition of a fine, jail sentence, or other penalty. Under federal law, if the convicted employee is working on a project funded through a federal grant or contract, NPTI is required to notify the relevant federal contracting or granting agency within ten days of receiving such notice of conviction.

Health Risks

The use of illicit drugs and the abuse of alcohol and prescription drugs have potential adverse health consequences that may be permanent. These consequences include disorders and dysfunctions that affect the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. Specifically, there are both short- and long-term effects on cognition, memory, retention, information processing, coordination, and athletic and academic performance. The use of illicit drugs and the abuse of alcohol also affect emotional equilibrium, mental well-being, and the ability to make critical decisions. Such use also impairs judgment, which in turn increases one's vulnerability and risk-taking behaviors, including

engaging in unprotected sex, which may lead to exposure to HIV and other sexually transmitted diseases and to unplanned pregnancy. The chronic use and abuse of illicit drugs and alcohol have been shown to cause adverse permanent changes in most of the biological systems studied. These changes can lead to severe impairment, disability, and premature death.

Illicit Drugs

The use of any amount of drug—prescription, illicit, or legal—will alter the chemical balance of the body. Misuse of drugs may lead to lifelong chemical dependency, the disease of addiction, and possible death. Abuse and addiction to drugs often cause serious damage to major body organs such as brain, stomach, lungs, liver, kidneys, and heart, as well as the immune and reproductive systems. The sharing of needles when using drugs is known to be a major cause of the spread of HIV. The health risks associated with various controlled substances, prepared by the U.S. Department of Justice, are summarized in [Table D](#).

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Counseling, Treatment, and Referral

Students and employees who believe they may have an alcohol or drug problem are strongly encouraged to seek assistance through resources available at local drug and alcohol centers

Such contacts will be kept confidential, except as required by law or by concern for the immediate health, safety, or security of the individual or others.

Individuals requiring inpatient detoxification and/or rehabilitative services are referred to institutions and hospitals in the local community that specialize in these types of services. The costs of such treatment and referrals may be covered in whole or in part by the individual's health insurance.

NPTI has the right to take any necessary action to protect the health, safety, and security of the affected individual and other members of NPTI community, including deciding whether, when, and under what conditions a student may be reinstated or any employee may be returned to employment after an instance of alcohol abuse or improper drug use.

Students with questions about School alcohol and other drug policy, or any other School policy or rule, should contact the school director at (248)229-4176.