

Drug Prevention Policy

- General Requirements of the Drug-free Schools and Communities Act: Amendments of 1989
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General Requirements of the Drug-free Schools and Communities Act: Amendments of 1989

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 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, Fairleigh Dickinson University annually distributes in writing to each student and employee the following information:

- standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property as part of any of its activities;
- a description of applicable local, state and federal legal sanctions pertaining to the unlawful possession, use or distribution of illicit drugs and alcohol;
- a description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of available drug and alcohol counseling, treatment, rehabilitation and re-entry programs; and
- a clear statement of the disciplinary sanctions that the University will impose on students and employees who violate the standards of conduct.

The University will conduct a biennial review of its drug prevention program to determine its effectiveness, implement needed changes and ensure that disciplinary sanctions are consistently enforced.

Standards of Conduct

The unlawful possession, use or distribution of illicit drugs and alcohol by students or employees on University property or as part of any other University-regulated activities is prohibited.

Disciplinary Sanctions

The University will impose disciplinary sanctions on students and employees (faculty, classified and nonclassified staff) who violate the above standards of conduct.

Students should be cognizant of the fact that for violation of these standards they will be subject to University disciplinary sanctions up to and including suspension or expulsion from

the residence halls and/or the University and referral for criminal prosecution.

Employees should be cognizant of the fact that for violation of these standards they will be subject to disciplinary sanctions up to and including immediate dismissal and referral for criminal prosecution.

You should consult your *Student Handbook*, employees handbook and faculty handbook for review of specific sanctions, as may be applicable.

State and Federal Legal Sanctions Concerning Drugs and Alcohol

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs ("controlled substances") [Controlled Substances Act 21 U.S.C. Sections 841, 843 [b], 844, 845, 846 (1988)]. The following is a list of the punishments prescribed for each crime/offense:

Crime/Offense	Jail Time	Fine (\$)
1st-Degree Crime	10–20 years	max. \$100,000.00
2nd-Degree Crime	10 years	max. \$100,000.00
3rd-Degree Crime	5 years	max. \$7,500.00
4th-Degree Crime	up to 18 months	max. \$7,500.00
Disorderly Persons (offense)	up to 6 months	max. \$1,000.00
Petty Disorderly (offense)	up to 30 days	max. \$500.00

Controlled Dangerous Substances

Controlled dangerous substances (CDS) are classified into five different schedules (I–V):

Schedule I

- Opiates (Dimepheptanol, Hydroxypethidine, Normethadone)
- Narcotics (Acetylcodone, Bensylmorphine, Heroin, Morphine, Nicocodeine)
- Hallucinogenic (LSD, Marijuana, Mescaline, Peyote, Psilocybin)

Schedule II

- Oxycodone (Percodan)
- Fentanyl (Sublimaze)
- Methadone (Dolophine)
- Meperidine (Demerol)

Schedule III

- Amphetamine (Biphetamine)
- Phenmetrazine
- Glutethimide (Doriden)
- Phencyclidine

Schedule IV

- Barbitol
- Meprobamate (Equanil, Miltown)
- Chloral hydrate
- Phenobarbital (Donnatal, Bellergal)

Schedule V

- Codeine
- Codeine Phosphate (Robitussin)
- Diphenoxylate (Lomotil)

New Jersey Laws Criminal Statutes

I.2C:35-3 Leader of a Narcotic Trafficking Network

- Conspires with others as an: organizer (or) financier, supervisor (or) manager
 - To manufacture or distribute: Methamphetamine, Lysergic Acid Diethylamide, Phencyclidine
- Any CDS in Schedule I or II
- First-Degree Crime (Life Term)*

II.2C:35-4 Maintaining or Operating a CDS Production Facility

- Knowingly maintains or operates a premise used to manufacture:
 - Methamphetamine, Lysergic Acid Diethylamide
- Any CDS in Schedule I or II
- First-Degree Crime*

III.2C:35-5 Manufacturing, Distributing or Unlawfully Dispensing Controlled Dangerous Substances

- Knowingly or purposely:
 - manufactures, distributes or dispenses (or possesses with intent to dispense) a CDS (or analog); or
 - creates, distributes or possesses (or possesses with intent to distribute) any counterfeit CDS.
- Possession with intent to distribute.
- Degree of crime dependent on drug and amount involved*

IV.2C:35-5.1 Distribution, Manufacture or Possession with Intent to Distribute Anabolic Steroids

- Third-Degree Crime*
- ### V.2C:35-6 Employing a Juvenile in a Drug Distribution Scheme
- Any person 18 years of age who knowingly uses, solicits, directs, hires or employs
- Second-Degree Crime*

VI.2C35-7 Distribution or Possession with Intent to Distribute a CDS Within 1,000 Feet of School Property or School Bus

- Violates 2C:35-5 within 1,000 feet of school property or school bus
- Third-Degree Crime—three-year minimum*
- Marijuana less than one ounce—one-year minimum*

VII.2C:35-8 Distribution to Person Under 18 or Pregnant Female

- twice the term of imprisonment*
- twice the fines*
- twice the term of parole ineligibility*

VIII.2C:35-9 Strict Liability for Drug-induced Deaths

- Any person who manufactures, distributes or dispenses Methamphetamine, Lysergic Acid Diethylamide, Phencyclidine or any other Schedule I or II or controlled analog thereof
- Is strictly liable for a death that results from injection, inhalation or ingestion of that substance

—*First-Degree Crime*

IX.2C:35-10 Possession, Use or Being Under the Influence

—*Violation of this section by a person while on any property used for school purposes, or within 1,000 feet of any school property, school bus or on any school bus, who is not sentenced to a term of imprisonment, shall be required to serve not less than 100 hours of community service.*

—*Degree of crime dependent on drug and amount involved.*

X.2C:35-11 Imitation CDS

- Distribution, possession, manufacturing, etc.
- Third-Degree Crime*

Drug Paraphernalia

XI.2C:36-1 Drug Paraphernalia Defined:

- All equipment, material and products of any kind, used or intended for use in planting, growing or harvesting, manufacturing, compounding, testing, preparing or introducing a CDS into the human body.
- Drug paraphernalia includes kits, scales, balances, diluents, adulterants, sifters, blenders, grinders, spoons, capsules, balloons, envelopes, water paper, roach clips, ceramic pipes and chillers.

XII.2C:36-2 Use or Possession of Drug Paraphernalia with Intent to Use

—*Disorderly Persons Offense*

XIII.2C:36-3 Distribute, Dispense or Possession of Drug Paraphernalia with Intent to Distribute or Manufacture

—*Fourth-Degree Crime*

XIV.2C:36-4 Advertising to Promote Sale of Drug Paraphernalia

—*Fourth-Degree Crime*

XV.2C:36-5 Delivering Drug Paraphernalia to Person Under 18 Years of Age

—*Third-Degree Crime*

XVI.2C:36-6 Possession or Distribution of Hypodermic Syringe

—*Disorderly Persons Offense*

Anabolic Steroids

It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, an anabolic steroid, unless the substance was obtained directly or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his or her professional practice. Any person who violates this section is guilty of a crime of the fourth degree.

Alcohol Violations

I.2C:33-15 Possession or Consumption of Alcoholic Beverage by Person Under Legal Age

- Knowingly possesses without legal authority or knowingly consumes any alcoholic beverage in any school, public or private conveyance, public place or public assembly or motor vehicle.

—*Disorderly Persons Offense (not less than \$500.00 fine)**

When Committed in Motor Vehicle:

—*In addition to the sentence authorized for the offense, the court shall suspend or postpone for six months the driving privilege of the defendant**

II.2C:33-16 Possession of Alcoholic Beverage on School Property

- Any person of legal age to purchase alcoholic beverages, who knowingly and without the express written permission of the school board, its delegated authority or any school principal, brings any alcoholic beverage on any property used for school purposes, which is owned by any school or school board.

—*Disorderly Persons Offense*

III.2C:33-17 Offering Alcoholic Beverage to Underage Person

- Purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage.

—*Disorderly Persons Offense*

Alcohol

Alcoholism is a disorder that has profound psychological, biological and societal effects. Directly, it affects over 18 million people; indirectly, it affects another 56 million.* Alcohol abuse is usually characterized by one of three different patterns: (1) regular daily intoxication, (2) drinking large amounts of alcohol at specific times or (3) periods of sobriety interspersed by periods of heavy daily drinking. The course of the disorder is usually progressive and physical dependence can develop; if this happens, serious symptoms, sometimes life-threatening, can develop when alcohol is withdrawn. Short-term effects of alcohol use can include depression, gastritis, liver diseases and automobile accidents and domestic violence. Chronic alcohol abuse can produce irreversible changes, including dementia, sexual impotence, cirrhosis of the liver and heart disease. Death can occur either as a complication of one of these chronic problems, or acutely, secondary to alcohol intoxication by poisoning or aspiration of vomitus or as the result of an automobile accident while driving intoxicated.

Counseling and Treatment for Alcohol and Drug Abuse

Counseling and referral services are available on our campus: Office of Counseling Services, (973) 443-8504; Student Health Services, (973) 443-8535.

Federal Drug Trafficking Penalties

(see table on following page)

*In addition to the general penalty prescribed for Disorderly Persons Offense, the court may require the defendant to participate in an alcohol education or treatment program.

*Reference: Substance Abuse (1988) in the Let's Talk Facts series published by the American Psychiatric Association.

Federal Drug Trafficking Penalties*

As of January 1, 1996

CSA**	Drug	Quantity	1st Offense	2nd Offense	Quantity	1st Offense	2nd Offense
I and II	Methamphetamine	10–99 gm pure or 100–999 gm mixture	<ul style="list-style-type: none"> • Not less than five years, no more than 40 years. 	<ul style="list-style-type: none"> • Not less than 10 years, no more than life. 	100 gm or more pure or 1 kg or more mixture	<ul style="list-style-type: none"> • Not less than 10 years, no more than life. 	<ul style="list-style-type: none"> • Not less than 20 years, no more than life.
	Heroin	100–999 gm mixture	<ul style="list-style-type: none"> • If death or serious injury, not less than 20 years or more than life. 	<ul style="list-style-type: none"> • If death or serious injury, not less than life. 	1 kg or more mixture	<ul style="list-style-type: none"> • If death or serious injury, not less than 20 years or more than life. 	<ul style="list-style-type: none"> • If death or serious injury, not less than life.
	Cocaine	500–4999 gm mixture	<ul style="list-style-type: none"> • Fine of not more than \$2 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> • Fine of not more than \$4 million individual, \$10 million other than individual 	5 kg or more mixture	<ul style="list-style-type: none"> • Fine of not more than \$4 million individual, \$10 million other than individual. 	<ul style="list-style-type: none"> • Fine of not more than \$8 million individual, \$20 million other than individual.
	Cocaine Base	5–49 gm mixture			50 gm or more mixture		
	PCP	10–99 gm mixture or 100–999 gm mixture			100 gm or more pure or 1 kg or more mixture		
	LSD	1–9 gm mixture			10 gm or more mixture		
	Fentanyl	40–399 gm mixture			400 gm or more mixture		
	Fentanyl Analogue	10–99 gm mixture			100 gm or more mixture		
	Drug Others <i>(Law does not include marijuana, hashish or hash oil)</i>	Quantity Any	<ul style="list-style-type: none"> • Not more than 20 years • If death or serious injury, not less than 20 years, not more than life. • Fine \$1 million individual, \$5 million other than individual. 			<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, life. • Fine \$2 million individual, \$10 million other than individual. 	
III	All <i>(Includes anabolic steroids as of 02/27/91)</i>	Any	<ul style="list-style-type: none"> • Not more than 5 years. • Fine not more than \$250,000 individual, \$1 million other than individual. 			<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, life. • Fine \$2 million individual, \$10 million other than individual. 	
IV	All	Any	<ul style="list-style-type: none"> • Not more than 3 years. • Fine not more than \$250,000 individual, \$1 million other than individual. 			<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, life. • Fine \$2 million individual, \$10 million other than individual. 	
V	All	Any	<ul style="list-style-type: none"> • Not more than 1 year. • Fine not more than \$100,000 individual, \$250,000 other than individual. 			<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, life. • Fine \$2 million individual, \$10 million other than individual. 	

* Does not include marijuana, hashish and hash oil.

** Controlled Substance Act

Marijuana[†]

As of January 1, 1996

Description	Quantity	1st Offense	2nd Offense
Marijuana	1,000 kg or more mixture or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, no more than life. • If death or serious injury, not less than 20 years, no more than life. • Fine not more than \$4 million individual, \$10 million other than individual. 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life. • If death or serious injury, not more than life. • Fine not more than \$8 million individual, \$20 million other than individual.
Marijuana	100 kg–999 kg mixture or 100–999 plants	<ul style="list-style-type: none"> • Not less than 5 years, no more than 40 years. • If death or serious injury, no less than 20 years, no more than life. • Fine not more than \$2 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life. • If death or serious injury, not more than life. • Fine not more than \$4 million individual, \$10 million other than individual.
Marijuana	50–99 kg mixture or 50–99 plants	<ul style="list-style-type: none"> • Not more than 20 years. • If death or serious injury, no less than 20 years, no more than life. • Fine \$1 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, not more than life. • Fine \$2 million individual, \$10 million other than individual.
Marijuana or Hashish††	Less than 50 kg mixture 10 kg or more	<ul style="list-style-type: none"> • Not more than 5 years. • Fine not more than \$250,000 individual, \$1 million other than individual. 	<ul style="list-style-type: none"> • Not more than 10 years. • Fine \$500,000 individual, \$2 million other than individual.

[†] Marijuana is a Schedule 1 Controlled Substance.

^{††} Includes hashish and hash oil.