



## La' James International College Clery Compliance Drug and Alcohol Abuse Prevention Program (DAAPP)

### **Drug and Alcohol Policy** *(Also included in our LJIC 2022 ASR)*

#### **SUMMARY OF DRUG PREVENTION PROGRAM**

La' James International College has a drug & alcohol policy, and students confirm through signing the policy during financial assistance appointment.

La' James International College has a drug & alcohol prevention program.

La' James International College can provide listing of agencies and phone numbers for assistance in drug & alcoholic abuse.

La' James International College provides drug & alcohol prevention presentations on the student access intranet for students to have access at their convenience.

Alcohol, Tobacco & Caffeine: Daily Pleasures, Daily Challenges  
Prevention – Saving Lives & Money  
Substance Abuse Awareness

La' James International College covers drug & alcohol prevention in the Orientation Presentation before starting classes.

Periodic outside speakers are invited into the campus to promote alcohol & substance abuse prevention.

Biennial review is performed on the annual outcomes for quality assurance of the program.

All staff sign a drug free policy in their new employee paperwork prior to starting employment with La' James International College.

#### **A DESCRIPTION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS**

La' James International College distributes to all current students and employees a copy of the Drug Free & Alcohol Policy. Below are the details related to this topic.

##### **Drug and Alcohol Abuse Prevention**

Drug abuse affects all aspects of American life. It threatens the workplace, our homes, our schools and our community. The U.S. Department of Education requires institutions of higher education to implement a drug prevention and awareness program for their students and employees through the **Safe and Drug-Free Schools and Communities Act**. All students are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class is prohibited and may be subject to disciplinary action.

##### **Standards of Conduct**

The college staff and students must adhere to a code of conduct that recognizes that the unlawful manufacture, sale, delivery, unauthorized possession or use of any illicit drug is prohibited on property owned or otherwise controlled by La' James International College. If an individual associated with the College is apprehended for violating any drug-or alcohol-related law when on College property, or participating in a College activity, the College will fully cooperate with all law enforcement agencies. Underage possession or consumption of alcoholic beverages is not permitted on property owned or controlled by the College and the state laws will be enforced. Intentionally or knowingly selling, or intentionally or knowingly furnishing alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by the College.



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Consumption of alcohol and/or drugs is a matter of concern to LJIC, because LJIC is committed to maintaining an academic and social environment conducive to the professional and personal development of students and to the safety and welfare of all students, staff and guests.

***Prohibited Conduct and Possible State and Federal Sanctions.*** The following conduct is prohibited by Iowa law and by LJIC's conduct standards, and violation of any of the following subjects the student to discipline, up through and including termination from LJIC, and to criminal and civil sanctions under federal, state or local laws. An LJIC student may be subject to discipline whether or not criminal charges or civil actions are brought against the student and regardless of the outcome of any criminal or civil proceedings. Pursuant to the Higher Education Opportunity Act, the possible penalties for each offense are set forth below:

1. *Underage consumption or possession of alcohol.* LJIC prohibits the consumption or possession of alcoholic beverages by persons under the legal age, except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment. The criminal sanctions for underage consumption or possession in Iowa are: (a) First offense – simple misdemeanor, \$200 fine; (b) Second offense – simple misdemeanor, \$500 fine plus completion of a substance abuse evaluation or suspension of driver's license up to 1 year; (c) Third or subsequent offense – simple misdemeanor, \$500 fine, plus suspension of driver's license up to 1 year. In Nebraska, underage consumption or possession is a misdemeanor that is punishable by not more than 1 year imprisonment and/or a fine of \$1,000.
2. *Supplying underage persons with alcoholic beverages.* LJIC prohibits selling, giving, or otherwise supplying alcoholic beverages to persons under the legal age. The criminal sanctions for supplying underage persons with alcoholic beverages in Iowa are as follows: (a) Supplies alcohol – serious misdemeanor, minimum \$500 fine; (b) Supplies alcohol that results in serious injury to any person – aggravated misdemeanor, fine of \$625 to \$6,250, plus imprisonment of up to 2 years; (c) Supplies alcohol that results in death of any person – Class D felony, fine of \$750 to \$7,500, plus imprisonment of up to 5 years.
3. *Public consumption or intoxication.* LJIC prohibits the consumption of alcohol in public places except to the extent such place has the requisite license or permit to dispense alcoholic beverages. LJIC also prohibits being intoxicated or pretending to be intoxicated in public places. Public consumption or intoxication in Iowa is considered a simple misdemeanor and can result in a criminal fine of \$65 to \$625 plus up to 30 days in jail.
4. *Providing alcoholic beverages to an intoxicated person.* LJIC prohibits selling, dispensing, or giving alcoholic beverages to an intoxicated person or one simulating intoxication. Providing alcohol to an intoxicated person in Iowa is a simple misdemeanor and can result in a criminal fine of \$65 to \$625 plus up to 30 days in jail.
5. *Possession of a controlled substance.* LJIC prohibits the knowing or intentional possession of a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by law. The criminal sanctions for possession of a controlled substance in Iowa are as follows:
  - (a) First Offense - marijuana: Serious misdemeanor, punishable by imprisonment in county jail for up to 6 months, a fine of up to \$1000 or both
  - (b) First Offense - other controlled substance or Second Offense - marijuana: Serious misdemeanor, punishable by imprisonment for up to 1 year and/or fine of \$315 to \$1,875



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- (c) Second offense - other controlled substance or Third Offense - marijuana: Aggravated misdemeanor, punishable by imprisonment for up to 2 years and/or a fine of \$625 to \$6,250
- (d) Third or Subsequent Offense - other controlled substance: Class D felony, punishable by imprisonment for up to 5 years, and/or a fine of \$750 to \$7,500

The criminal sanctions for possession of a controlled substance under federal law are as follows:

- (a) First Offense - up to 1-year imprisonment and/or fine up to \$1,000 plus the reasonable costs of the investigation and prosecution of the offense
- (b) Second Offense – Imprisonment for 15 days to 2 years, minimum fine of \$2,500 and the reasonable costs of investigation and prosecution of the offense
- (c) Third or Subsequent Offense – Imprisonment for 90 days to 3 years, minimum fine of \$5,000 plus the reasonable costs of the investigation and prosecution of the offense
- (d) Possession of Flunitrazepam (e.g., Rohypnol®, “roofies”): Up to 3 years imprisonment and/or fine of up to \$1,000 (first offense) minimum fine of \$2,500 (second offense), or minimum fine of \$5,000 (third or subsequent offense) plus the reasonable costs of the investigation and prosecution of the offense
- (e) First Offense – crack cocaine, more than 5 grams: Imprisonment for 5 to 20 years, minimum fine of \$1,000 and the reasonable costs of the investigation and prosecution of the offense
- (f) Second Offense – crack cocaine, more than 3 grams: Imprisonment for 5 to 20 years, minimum fine of \$1,000 and the reasonable costs of the investigation and prosecution of the offense
- (g) Third or Subsequent Offense – crack cocaine – more than one gram: Imprisonment for 5 to 20 years, minimum fine of \$1,000 and the reasonable costs of the investigation and prosecution of the offense

Federal law also allows for the imposition of a civil penalty for the possession of certain controlled substances in the amount of up to \$10,000.

In addition to these criminal or civil sanctions, a student convicted of a state or federal offense involving possession of a controlled substance based upon conduct that occurred while the student was enrolled and receiving federal financial assistance will be ineligible for financial assistance as follows: (a) first offense – 1 year; (b) second offense – 2 years; (c) third or subsequent offense – indefinite.

6. *Distribution, manufacture, or possession with intent to distribute or manufacture a controlled substance.* LJIC prohibits the manufacture of a controlled substance, distribution of a controlled substance, possession of a controlled substance with intent to distribute, possession of a controlled substance with intent to manufacture another controlled substance, and entering into a common scheme or design with, or conspiring with, one or more persons to do any of these acts. Under Iowa law, all of these acts are felonies and the penalties depend upon the amount of the controlled substance involved, can result in imprisonment for up to 50 years and a fine of up to \$1,000,000 and in the case of methamphetamine, life imprisonment. Under federal law, the penalties for these acts depend upon the type and amount of the controlled substance and other circumstances, but can result in imprisonment for a term up to life imprisonment, a fine of up to \$16,000,000 and forfeiture of property used in or derived from the crime. There are federal mandatory minimum sentences for persons convicted of distributing or manufacturing controlled substances on a college campus, except for offenses involving 5 grams or less of marijuana. If the criminal charges involve investment of illicit profits made from drugs, the penalty can include a fine of up to \$50,000 and imprisonment up to 10 years or both.



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In addition to criminal sanctions, a student convicted of a state or federal offense involving the sale of a controlled substance during a period of enrollment and during which the student was receiving federal financial assistance will be ineligible for federal financial assistance as follows: (a) first offense – 2 years; (b) second offense – indefinite. A student convicted of drug trafficking will be ineligible for federal benefits, including federal financial assistance, as follows: (a) first offense – up to 5 years; (b) second offense – up to 10 years; and (c) third or subsequent offense – indefinitely.

7. *Possession, Manufacture, or Delivery of Drug Paraphernalia.* LJIC prohibits the possession, manufacture or delivery of drug paraphernalia. Under Iowa law, these acts are simple misdemeanors punishable by imprisonment for up to 30 days and a fine of \$65 to \$625.
8. Any act or course of conduct that is a violation of federal law, the code of the state in which the student's campus is located or the code of the city where the student's campus is located also constitutes a violation of LJIC's policy.

More information regarding the federal penalties and sanctions for unlawful possession, use, sale and/or distribution of controlled substances can be found at:

<http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>.

As used in this policy, "controlled substance" means a drug, substance, or immediate precursor in Iowa Code ch. 124 schedules I through V ([www.legis.state.ia.us/IACODE/](http://www.legis.state.ia.us/IACODE/)), and/or the Federal Controlled Substances Act, 21 U.S.C. § 812 (see <http://www.usdoj.gov/dea/pubs/csa/812.htm>). "Controlled substance" includes, but is not limited to: heroin, cocaine, marijuana, opiates and opioids (e.g., hydrocodone, Vicodin®, OxyContin®), amphetamines, LSD, MDMA (ecstasy), and steroids. "Controlled substance" under this policy includes simulated controlled substances, which means a substance that is not a controlled substance but that is expressly or impliedly represented to be a controlled substance.

The FAFSA form that is required to be completed to apply for federal financial assistance asks if the applicant has been convicted of a drug-related offense. If the applicant answers "yes" to this question, it may impact his/her qualification for federal financial assistance. If the applicant fails to answer the question, the applicant is automatically disqualified from receiving federal financial assistance. If the applicant answers the question falsely, the applicant may be subject to fines up to \$20,000, imprisonment or both.

If an enrolled student is convicted of a drug offense after receiving federal financial assistance, the student must notify LJIC's Financial Assistance staff immediately. The student is then subject to becoming ineligible for further financial assistance for the time periods set forth above and must immediately repay any federal financial assistance received after the conviction.

**Federal Financial Aid Penalties for Drug Violations** Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Opportunity Act states students convicted of an illicit drug violation can be denied federal financial aid for a specific period, in addition to other legal penalties. The Free Application for Federal Student Aid (FAFSA) asks students if they have been convicted of a drug-related offense: "Have you ever been convicted of possessing or selling illegal drugs?" If you answer "yes," the College will send a worksheet in the mail to determine if your conviction affects your eligibility for aid. Failure to answer the question automatically disqualifies students from receiving federal financial aid. Answering this question falsely could result in fines up to \$20,000, imprisonment or both.

**Penalties for Drug Convictions** If the student was convicted of both possessing and selling drugs, and the periods of ineligibility are different; the student will be ineligible for the longer period.



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#### Possession of Illegal Drugs

- For a first offense, a student loses eligibility for federal financial aid for one year from the date of conviction.
- For a second offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a third offense and subsequent offenses, a student has indefinite ineligibility for federal financial aid from the date of conviction.

#### Sale of Illegal Drugs

- For a first offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a second offense and subsequent offenses, a student has indefinite ineligibility from the date of conviction.

Some other potential federal penalties and sanctions applicable to drug-related offenses include:

#### How to Regain Federal Student Aid Eligibility

A student can regain eligibility for federal student assistance the day after the stated period of ineligibility ends. Eligibility is also regained if a conviction is reversed, set aside or removed from the student's record. If the student has more than one conviction, the nature and dates of the remaining convictions that were not reversed, set aside or removed from the record will determine when student again becomes eligible.

A student may also regain eligibility upon successful completion of a qualified drug rehabilitation program that must:

- (1) Have the student pass at least two unannounced drug tests; and
- (2) Receive or be qualified to receive funds directly or indirectly under a federal, state or local government program; be administered by a federal state or local government agency; be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company; or be administered or recognized by a federally or state-licensed hospital, health clinic or medical doctor.

A student may also regain eligibility upon successful completion of two unannounced drug tests which are part of the approved rehabilitation program, even if the student does not complete the rest of the program.

The student is responsible for certifying that a rehabilitation program was successfully completed.

**LJIC Sanctions.** Students who violate LJIC's Drug and Alcohol Policy will be subject to sanctions up to and including termination from LJIC. LJIC will also refer any violations to the proper authorities. The discipline will be assessed on a case-by-case basis and dependent upon the seriousness of the situation. Readmission after any probation, suspension or termination from LJIC due to a Drug and Alcohol Policy violation will be considered on a case-by-case basis and may require the student to submit proof of completion of an appropriate rehabilitation program.

**Drug and Alcohol Counseling** Any student or employee that would need assistance for chemical dependency or rehabilitation should contact their College Administrator for assistance.

*Health Risks; Drug and Alcohol Abuse Prevention & Treatment.* As stated above, LJIC prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students on its property or as any part of its program or activities. Students and employees who engage in prohibited or illegal conduct face sanctions, including suspension or expulsion and/or referral for prosecution. In addition, there are many health risks associated with the use of illicit drugs and alcohol, which vary with the nature of the substance and pattern of abuse. Risks may include, but are not limited to, depression,



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mood swings, dependency, organ damage, mental problems, hallucination, confusion, accidents and/or violent reactions.

LJIC encourages students who think they have a problem to utilize one or more of the following resources available to get help:

The Administrator at your Campus

Alcoholics Anonymous: [www.aa.org](http://www.aa.org) (local meeting information)

Narcotics Anonymous: [www.na.org](http://www.na.org); Des Moines Helpline: (515)244-2277

Alcohol and Drug Helpline: 1-800-923-HELP (4357) or [www.adhl.org](http://www.adhl.org)

National Drug and Treatment Referral Routing Service: 1-800-662-HELP (4357)

Substance Abuse Treatment Facility Locator: <http://findtreatment.samhsa.gov>

#### **Distribution & Notification of LJIC DAAPP to Students and Employees**

All LJIC staff and students are made aware and sign the LJIC Drug-Free Policy at their time of starting with LJIC. Students sign the LJIC Drug Free Policy as part of their financial assistance appointment and staff sign as part of their new employee paperwork.

To ensure the LJIC DAAPP disclosures are distributed to students and employees it is published on LJIC website – [www.ljic.edu](http://www.ljic.edu) – Disclosures (bottom of home page) – Download Drug & Alcohol Abuse Education & Prevention Program and/or Download Clery Disclosure (DAAPP is also included the ASR).

It is also published on LJIC college Intranet from campus student lab computers. Student can click on links for Pre-Enrollment Documents, Drug Prevention Program or Clery Disclosures.

#### **Student Notifications**

Students will be informed at the time of the annual DAAPP and ASR program disclosure updates in a weekly Huddles and Rallies Class Session that is attended by all students.

There is also a post in the Student Computer Lab to make them aware of the update on the intranet by October 1 annually.

\*Due to COVID-19, the U.S Department of Education allowed an extension for institutions to distribute their 2020 Annual Security Reports with 2019 Statistic Crime Data to 12/31/2020.

We also post a separate notice to the students in the student breakroom.

#### **Staff Notifications**

Staff will be informed at the time of the annual DAAP and ASR program disclosure updates at their weekly staff meeting.

There is also a post in the campus staff office and in corporate staff breakroom.

#### **Biennial Review of the Drug and Alcohol Policy**

LJIC will review this Drug and Alcohol Policy biennially. This review includes a determination of the number of drug and alcohol related violations and fatalities that occur on LJIC's campus or as part of LJIC's activities and the number of types of sanctions imposed by LJIC as a result of violations of this Policy. The term "campus" is defined in the same manner as it is defined for campus safety reporting required by the Clery Act, which is described in the Student Catalog. In general, the term "campus" includes any building or property owned or controlled by LJIC within a reasonably contiguous



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geographic area used in direct support of LJIC's educational purposes or used by students in support of LJIC's institutional purposes.

In the biennial review, LJIC will assess the effectiveness of this Policy. The effectiveness of the policy is measured by tracking the information described in the previous paragraph. In addition, LJIC will consider – if it is made aware of such information – the number of students or staff attending self-help or other counseling groups relating to alcohol or drug abuse.

The biennial review helps LJIC determine whether this Policy is effective or must be modified. LJIC maintains a copy of the biennial review, which is kept (along with any related documents) for three years after the fiscal year in which the report was created. The biennial review is only given to the United States Department of Education if requested.